THE HISTORY OF IMBANKING and DRAYNING OF DIVERS Fenns and Marſhes, Both in FOREIN PARTS, AND IN THIS KINGDOM.

And of the Improvements thereby.

EXTRACTED FROM

Records, Manuſcripts, and other Authentick Teſtimonies,

BY

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NORROY King of Arms.

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MDCLXII.

TO THE

KINGS

MOST EXCELLENT

MAJESTY.

Most Gratious Soveraign;

THE *first and greateſt attempt, that hath been made in this Kingdom, for the* general Drayning *of thoſe vaſt Fenns, lying in* Cambridgeſhire *and the Counties adjacent, was by that Prudent and Grave Prelate* John Morton, *ſometime Biſhop of* Ely, *the principal Inſtrument of that happy Union betwixt the two Houſes of* York *and* Lancaſter (*as the Chanell betwixt* Peterborough *and* Wisbeche, *ſtill bearing his name doth witneſs:*) *And the next by your Royal Grandfather and Father of Bleſſed Memories, the chiefeſt branches of that Renowned Stock. Which not ſucceeding, as it was deſigned, by reaſon of the diſtractions of thoſe times; it will be no ſmall Honour to your Sacred Majeſty, and Advantage of your Realm, to compleat and make perfect that Noble undertaking: To which end I moſt humbly offer unto your Majeſty this preſent Hiſtorical Diſcourſe; whereby it will appear, not only, that divers Great and Mighty Princes, and other Perſons famous in their times, have in Forein Parts been*

active

active in Works of this kind: but how much your Majeſtie's own Royal Anceſtors have by ſeveral excellent and wholſome Laws promoted the like in this Kingdom: Praying to the Almighty, that he will bleſs your Majeſty with a Long and Proſperous Reign, that good Arts may again flouriſh amongſt us, and Virtue receive its due Encouragement, to the joy of all your Loyal Subjects; and amongſt them, of

Your Majeſties moſt Obedient
Subject, and Faithfull
Servant,

WILLIAM DUGDALE.

TO

TO THE

READER.

Courteous Reader,

THAT the Strength of a King is in the Multitude of his Subjects, is a truth which no man will gain-say: Hence is it, that those Countries, the ſoil whereof is naturally fruitfull, are alwaies much better eſteem'd, than ſuch as be ſterile, in regard they afford more and better ſuſtenance to their Inhabitants. And hence is it likewiſe, that the moſt civilized Nations have by ſo much Art and Induſtry endeavoured to make the beſt improvement of their Waſts, Commons, and all ſorts of barren Land. Amongſt which advantages, that of Incloſure hath not been the leaſt; whereof there is a notable inſtance in the Counties of Northampton and Somerſet; which, though little differing in their extent and goodneſs of ſoyl: yet, if eſtimation may be made, by Muſters, Subſidies, Tenths, and Fifteens, Incloſure hath made the one more than double to exceed the other, both in people, and wealth, as hath long ago been obſerved * by ſome of great Judgment.

* See the life of K. Edw. 6. by Sir John Hayward, p. 45.

If then the meer Incloſure and Tillage of that whith naturally yielded little profit, doth juſtly deſerve ſo great a commendation; how much more is the skill and pains of thoſe to be had in eſteem, who have recovered many vaſt proportions of Land, totally overwhelm'd with a deluge of waters? And of theſe I need not look out for examples from abroad, our own Countrey affoarding a multitude of notable Inſtances, as the enſuing Diſcourſe will fully manifeſt; whereby it will appear, that in ſundry parts of this Realm, there are many thouſands of Acres, which do now yield much benefit, yearly, by Rape, Cole-ſeed, Graſs, Hay, Hemp, Flax, Wheat, Oats, and other Grain; nay by all ſorts of excellent Plants, Garden-ſtuff, and fruit Trees, which in former times were Drowned Lands.

And this was it, which gave encouragement to our two late Soveraigns of Bleſſed Memory; (viz. King James, and King Charles the firſt) to become

come the ſole Adventurers for the Drayning of thoſe vaſt Fenns of Cambridgshire, *and the five other adjacent Counties; (a worthy Work, and never totally attempted till their times;) well diſcerning, that by a compleat performance thereof, the coſtly and troubleſome meeting of Commiſſioners for Sewers; the frequent great Taxes, for the maintenance of divers Banks and Drains, with many unhappy controverſies and emulations relating thereto, might be, in a great meaſure prevented. And if our induſtry were but comparable to that of our Neighbours in the* Belgique *Provinces, how much more might thoſe drayned grounds afford us, for profit and pleaſure, than they yet do? foraſmuch as theirs, lying below the Levell of the Sea at high Tydes, is drayned by Engines, which caſt out the water; and ours have not only a deſcent to the Sea, but divers large Rivers and ſtreams for leading the waters to their natural out-falls.*

To give inſtance in the benefits: Firſt let us conſider the large proportion of this one Levell, which is no leſs than five hundred thouſand Acres, it being, from the edge of Suffolk, *to* Waynflete *in* Lincolnshire, *full* Lxviii. *miles in a ſtrait line: And if we reckon by the bow of the Fenn, which runneth up on both ſides of the River* Witham, *within a mile of* Lincoln, *it may be well accounted* Lxxx *miles; the bredth being in many places* xxx. *more* xx. *and ſeldom ſo little as ten miles: ſo that, 'tis thought by ſome, to be as good ground, and as much, as the States of the low Countries enjoy in the* Netherlands.

Next for the richneſs of the ſoyl, being gained from the waters, doth it not for the moſt part exceed the high grounds thereon bordering, as much as other meadows do, which are ordinarily let for xx^s. *the Acre? And do we not ſee, that in the Marſhes beyond* Waynflete *in* Lincolnshire, *where the grounds are ſevered and trenched, it is hard to find a poor man, though they ſit at great Rents? for their Cattel, being alwaies ſound and thriving, are therefore merchandable; or if they come to a miſchance, yet fit for food.*

Moreover, beſides the great plenty of fleſh and white meats, with the breed of ſervicable Horſes, let us conſider the abundance of Wooll, Hydes, Tallow, and other Commodities, which this fruitfull ground now produces; and that the new Chanels, made for the Drayning, do yield no ſmall advantage to all thoſe parts, for the carriage of their Corn and Merchandize; whereas before, they were conſtrayned to go many miles about, according to the natural bending of the Rivers.

And if we weigh the great inconveniences, which theſe over-flowings have produced; certainly the advantage by the general Drayning ought the more to be prized: for in the Winter time, when the Ice is ſtrong enough to hinder the paſſage of Boats (as hath been by ſome well obſerved) and yet not able to bear a man; the Inhabitants upon the Hards and the Banks within the Fenns, can have no help of food, nor comfort for body or ſoul; no woman aid in her travail, no means to baptize a Child, or partake of the Communion, nor ſupply of any neceſſity, ſaving what thoſe poor deſolate places do afford. And what expectation of health can there be to the bodies

of

of men, where there is no element good? the Air being for the moſt part cloudy, groſs, and full of rotten harrs; the Water putrid and muddy, yea full of loathſome vermin; the Earth ſpungy and boggy; and the Fire noyſome by the ſtink of ſmoaky Haſſocks.

As for the decay of Fiſh and Fowl, which hath been no ſmall objection againſt this publick work, there is not much likelyhood thereof: for notwithſtanding this general Drayning, there are ſo many great Meeres and Lakes, ſtill continuing, which be indeed the principal harbours for them, that there will be no want of either; for in the vaſt ſpreading waters they ſeldom abide, the Rivers, Chanels, and Meeres being their principal Receptacles; which being now increaſed, will rather augment than diminiſh their ſtore. And that both Fiſh and Fowl are with much more eaſe taken by this reſtraint of the waters within ſuch bounds, we daily ſee; foraſmuch as all Netts for Fiſhing, are better made uſe of in the Rivers and Meeres, than when the waters are out of thoſe narrower limits: And that Decoys *are now planted upon many drayned Levels, whereby greater numbers of Fowl are caught, than by any other Engins formerly uſed; which could not at all be made there, did the waters, as formerly, overſpread the whole Countrey.*

The

THE HISTORY OF IMBANKING and DRAYNING.

CAP I.

THAT works of Drayning are moſt antient, and of divine inſtitution, we have the teſtimony of holy Scripture. a *In the beginning God ſaid, let the waters be gathered together, and let the dry land appear; and it was ſo:* b *And the Earth brought forth graſs, herb yielding ſeed, & the fruit-tree yielding fruit after his kind, and God ſaw that it was good.*

a Gen. 1. 9.

b 12.

Again, after the Deluge, it was through the divine goodneſs, that c *the waters were dryed up from off the Earth, and the face of the ground was dry.*

c Gen. 8. 13.

And that thoſe Nations, which be of greateſt antiquity, and in chief renown for Arts and Civility, are alſo famous for their works of this nature, is evident from the practice of the *Ægyptians*, the *Babylonians*, the *Græcians*, the *Romans*, and ſeveral other, of which I ſhall give inſtance.

Egypt. First therefore of **Egypt**; *becauſe* d *that Countrey is more mervailous than any other; and that the works there, are more remarkable than the Countrey.* This lyeth in a great length from South to North, between **Arabia** and **Lybia**, and is watered with the River **Nilus**: a ſtream that *all the winter keepeth* e *within his banks; but at the Summer Solſtice beginneth to exceed; and ſwelling an hundred dayes, is almoſt as long a time in retreating.* Which conſtant inundation is ſo commodious; that *thoſe ſurrounded parts*, as an eminent Hiſtorian f teſtifieth, *are only habitable; and that whatſoever place on either ſide the River, riſeth in ſuch a manner, that it cannot receive the floud, remaineth deſert and uninhabited through want of water.*

d *Herod.* lib. 2. cap. 35.

e Ibid. l. 2. cap. 19.

f Strab. lib. 17. p. 786. D.

We may therefore eſteem the *Ægyptians* to have been the firſt Maſters in this Art of Drayning, whom neceſſity and profit induced to imploy their wit and labour, to the improvement of their Countrey, and making the beſt advantage of that exorbitant River; wherein they became moſt excellent; *their workman-ſhip about the River* **Nilus**, *being ſuch* (as the ſame learned Author g manifeſteth) *that Induſtry ſurpaſſed nature: for* **Egypt** (ſaith he) *though naturally fruitfull, being watered is more fruitfull: And though, according to the courſe of nature, the greateſt increaſe of the River, watereth the moſt land; yet, through induſtry, it was ſo brought to paſs, that oftentimes; when nature was defective, there was by the help of Trenches and Banks, as much ground watered with the ſmaller flouds, as with the greater:* h *ſo that at high floud the Countrey is all* a *Sea, except the Cities and Villages;*

g Ibid. p. 787. D.

h Ibid. 788. D

lages; which, being situate, either on Natural hills, or Artificial banks, at distance seem to be Islands.

i Plin. 5. 9. *The* [i] *just increase* (of this flowing) *appeareth to be* xvi. *Cubits: Lesse watereth not all; more is too slow in retreating: too much water keeping the ground wet too long, loseth the season of sowing: too little affordeth no season, through drougth. The Country reckon upon both. At* xii *Cubits they foresee famine; at* xiii *hunger;* xiv *bring mirth;* xv *security;* xvi *plenty.*

The *Ægyptian* Trenches therefore were of two sorts; either for avoidance of superfluous water, or disposing of what might be useful; there being notable examples of both kinds. Of the first sort are those many out-lets made by hand, for the Rivers more current passage into the Mid-land Sea; the natural mouths of **Nile** being insufficient: for the *septem ostia* were not all natural.

k Herod, l. 2. c. 17. **Nilus** [k] *having run through* **Egypt** *in one stream, to the City* **Cercasorus**, *thence divideth it self into three Chanels; one runneth Eastward towards* **Pelusium**; *the other westward towards* **Canobus**, *from whence they are denominate; the third, dividing* **Delta**, *runneth straight forward to* **Sebennitus**, *from whence it hath it's name; and there is divided into two other streams, the one passing by* **Sais**, *the other by* **Mendes**, *receive their names from those Cities: But the* Bolbitique *&* Bucolique *Chanels, are not natural, but made by digging.*

This Island of **Egypt** towards the Sea, between the *Pelusiaq;* and *Canobiq;* Chanels, is [l] called **Delta**, *from the form of the letter* Δ. Between these two mouths, besides the five before named, *there are many smaller: For from the former, there are divers subdivisions, throughout the whole Island, which make sundry Water-courses and Islands; so as one Chanel being cut into another, it is navigable every way.* The reason why these lower parts were cut and Drayned in such extraordinary manner, may be supposed to be (besides the convenience of navigation) for that they were more apt to silting; whereof the *Ægytian* Priests had good experience: For [m] *in the Reign of King* Myris, *when the River rose not above eight Cubits, it watered all* **Egypt** *below* **Memphis**: *But now* (in *Herodotus* his time,) *unlesse it rose* xvi *or at least* xv. *cubits, it overflowed not that part of the Country: Nor was there nine hundred years passed from the death of King* Myris, *to the time that* Herodotus *heard this from the Priests.*

l Strab. p. 788 C.

m Herod. l. 2. cap. 13.

Herodotus outlived *Artaxerxes Longimanus* K. of Persia. *Myris*, or *Mæris*, reigned in the tenth Century after the floud.

Amongst this sort of works, against the inconvenience of the River, may be reckoned the *inbanking* [n] *of Cities, which* Sesostris *first performed: But those works, especially at* **Bubastis**, *were after heightned by* Sabacon *the* Æthiopian, *who imployed therein all persons condemned to death.* The other kind of Trenches, extending the benefit of the inundation beyond nature, is more commendable, having lesse of necessity, but more for imitation. The first of these was made by King *Mæris*, into a Lake on the *Lybian* side, which bears his name: *which Lake* (saith *Herodotus* [o]) *is three thousand & six hundred furlongs in compass* (*being the measure of* **Egypt** *along the Sea coast*) *and lyeth in length North and South; the greatest depth being fifty paces. Almost in the middle thereof, stand two Pyramids, each fifty paces above water, and as much below; in all an hundred paces; there being upon each a Colossus sitting in a Chair. The water of this lake is not esteemed to spring in the place* (*the soil being very dry*) *but cometh out of* **Nilus** *by a Trench; flowing six moneths into the lake, and ebbing as many into the* **Nile**; *yielding into the Kings treasury, for the Fish taken therein, a talent of silver, for every day of the six moneths ebb; and twenty* minæ *when it floweth. The* Ægyptians *would have it believed, that this lake was made by hand, and dugg, by reason of the Island and Pyramids in it: and when it is objected, that there is no sign of earth cast out, they say that it was thrown into the River* Nile.

n Herod. lib. 2. cap. 137.

o lib. 2. c. 149.

After him also King *Sesostris*, returning victorious out of **Asia**, and *bringing* [p] *with him a multitude of people out of the subdued Countries, enforced them to digg sundry Water-courses, which are still in* **Egypt**; *improvidently making the Countrey, which before was passable with Horse and Waggon, to want that convenience: for from that time, though* **Egypt** *be all plain, yet can neither Horse nor Waggon passe, by reason of the Cuts, which are many and various: But the reason why he so trenched the Country, was, that the Cities more remote from the River, might not want water to drink, upon the recess of the stream.*

p Herod. l. 2. c. 107.

There

There were also very remarkable Trenches on the *Arabian* side of **Egypt**. *As that at* [q] **Peluſium**, *which filleth the two Lakes, that have their names from the Fenns there; beſides other Lakes and Trenches into them, in thoſe parts, without* **Delta**; *and two others which meet in a Lake in the* Sethroitique *diviſion*: For **Egypt** was by *Seſoſtris* divided into xxxvi parts, in Greek **Νομοὶ**, in Engliſh you may call them *Shires*: but that is the moſt famous Trench, which was drawn into the Red Sea.

[q] *Strab.* p. 804. B.

It was firſt [r] undertaken by King *Necos*, the Sonne of *Pſamnitichus*, (This is that *Pharaoh Nechoh*, King of **Egypt**, who ſlew [s] *Joſias* King of **Juda**, in battel at **Megiddo**;) being ſeconded by *Darius* King of **Perſia**. *The length of* [t] *this trench was four dayes ſail: the bredth ſuch as two Gallies might row together. The water of* **Nile** *entred into it a little above the City* **Bubaſtis**, *and paſſing by* **Patumos** (a City of **Arabia**) *entred the Red Sea. They began to digge in the plain of* **Egypt**, *towards* **Arabia**, *running a great way from Weſt to Eaſt, by the foot of that Hill, neer* **Memphis**, *in which is the ſtone quarry: Then turning South, through the parting of the Hill, into the* Arabian *gulf. The paſſage from Mount* **Caſſius**, *and the North Sea, unto the Red Sea, is a thouſand furlongs: But by this Trench, the way was longer, being not ſo ſtraight. In the digging hereof, there periſhed an hundred & twenty thouſand* Ægyptians. Necos, *having half done, deſiſted, being diſcouraged by an Oracle; which ſaid, he wrought for the* Barbarians: *So the* Ægyptians *call all that uſe not their language.*

[r] *Herod.* l. 2. c. 158.

[s] 2 Kings. c. 23. v. 27.

[t] *Herod.* ut ſupra.

Strabo (who lived under *Tiberius*) ſaith [u] that *this Water-courſe iſſued into the Red Sea, or* Arabian *gulf, at the City* **Arſinoe**, *which ſome call* **Cleopatris**; *and that it paſſed through thoſe Lakes, which are called Bitter.* (They had the name of [w] *Marah*; becauſe the children of *Iſrael*, at their departure out of **Egypt**, could not drink of thoſe waters.) But the water of thoſe Lakes, though in old time bitter, [x] *was chang'd upon the making of this new River, and mingling with freſh water; and now bred good Fiſh and abundance of waterfoul.* He ſaith, that *this Trench was firſt made by* Seſoſtris, *before the* Trojan *war*; *or (as others relate) it was only begun by the Sonne of* Pſamnitichus, *who ſoon died. Afterwards it was again undertaken by* Darius *the firſt; who having almoſt finiſhed the work, gave it over, out of a fond conceipt, that the Red Sea was higher than* **Egypt**; *and that if the whole iſthmus were cut,* **Egypt** *would be drowned with the Sea. But the* Ptolemaies, *Kings of* **Egypt**, *cut it through and ſet a Sluce upon the Chanel, that they might ſail out into the Sea, and in again, as they pleaſed. It was* [y] *an hundred Cubits in bredth, and deep enough for a great Ship.*

[u] Lib. 17. p. 804. B.

[w] Exo. 15. 23.

[x] *Strab.* ib.

[y] Ibid. p. 805.

The intended benefit of this Chanel ſeemeth to have been an intercourſe between the **Midland** Sea, and the **Atlantique**; and a communication of traffique, by water, between **Europe** and the **Eaſt-Indies**: but I do not find, that any great uſe was made thereof to that purpoſe: For in after-times, the way of trading into thoſe *Eaſtern* parts, was either from the Port of **Gaza**, to **Aila**, a Port-Town ſituate neer the bottom of the *Arabian* gulf, on the Eaſt ſide thereof; or from **Coptus**, a Town of **Egypt**, on this ſide **Thebes**, to **Berinice** a Port on the Weſt ſide of the Red Sea.

This paſſage, from **Gaza** *to* **Aila**, *is ſaid* [z] *to be 1260 furlongs. There are two ways, one through* **Arabia**, *the other through* **Egypt**, *by* **Heroopolis**; *to which the nearer way is by* **Peluſium**: *the way through the Deſerts and Sands, is going by Camels, and is obnoxious to Serpents.*

[z] *Strab.* l. 17. p. 759.

From this **Elath**, *Solomon* made [a] his voyage to **Ophir**. The Town was loſt [b] in King *Joram's* reign, when the *Edomites* revolted; but it was recovered [c] by *Azariah*; and under *Ahaz* loſt [d] again to *Rezin* King of **Syria**. It was a frontier Town of the *Roman* Empire, and the Station [e] of the x Legion.

[a] 2 Chron. 8. 17.

[b] 2 Kings. 8. 20.

[c] 14 22.

[d] 16. 6.

[e] S. Hieron. de locis.

The other paſſage from **Coptus** to **Berinice**, is reckoned 258 miles, the particular ſtations whereof, you have in the Itinerary of **Antoninus**. *They were ſetled,* [f] *and Inns erected by* Philadelphus; *becauſe the innermoſt part of the Red Sea was not ſo navigable* This **Coptus** was a *common Town, both to the* Ægyptians *and* Arabians, *and the mart for all* Indian, Arabique and Æthiopique *Commodities*; *from whence was a Chanel* [g] *cut into the* **Nile**, whereby the Merchandizes were tranſplanted to **Alexandria**. Which place being, from the *Macedonian* times,

[f] *Strab.* l. 17. p. 815. B.

[g] Ib. p. 798. C.

the head of all **Egypt**, ought not sleightly to be passed by; because none ever had the like advantage of artificial Water-courses: By which in short time it became, for greatnesse, populacy, wealth, and pleasantnesse, one of the most renowned Cities of the world.

The antient *Ægyptians* superstitiously abhorred the Sea, and had them in abhomination, who got their living by it. And albeit, according to the Chronology of [h] *Eusebius*, they had the dominion of the Sea, in the Reigns of *Psamnis*, and *Bocchoris*, a little before the first *Olympiade*, (which was not suitable to the distracted condition of **Egypt** in those times:) Yet it is certain, that [i] the *Ægyptians* never had any Sea-Port; that *Psamnitichus* was the first that [k] admitted strangers to inhabit; that **Naucratis** (on the Chanel of **Canopus**) the only mart Town of **Egypt**, was opened by *Amasis*, who (took **Cyprus** and) dyed the same year that **Egypt** was lost to the *Persians*.

Neither was the coast of **Egypt** fit for navigation, *being* [l] *harbourlesse, low, and full of flats and shelves, except where the Island* **Pharus**, *lying in length before a Bay, at a village called* **Rhacotis**, *a hundred and thirty furlongs from* **Canopus**, *afforded the means of a Haven, whereof neither the* Ægyptians *nor the* Persians *made use; but held a guard there, to keep off strangers: Howbeit,* Alexander *the great, seeing the opportunity of place, caused a City to be built there, which bore his name; the foundation whereof was laid with Brann, instead of Chalk, which was taken for a good omen. Which City was seated* (as it were) between two Seas; having on the South the Lake **Mareia**, or **Mareotis**: But it had been an intolerable inconvenience to have dwelt in a dry Country, so far from the River **Nilus**, had not that discommodity been avoided by means of artificial Rivers: Therefore that navigable Chanel was made from **Canopus**, which became [n] famous for the practise of Luxury.

Another navigable River was also [o] made from the Haven, on the Mid-land Sea, to the said lake **Mareotis**. *This* [p] *lake is filled from the River* **Nile**, *by many Trenches, as well from above,* (that is, out of the Lake **Meris**, whereof I have spoken) *as on the sides of it*, by Trenches cut immediately from the **Nile**; and having eight Islands in it, *containeth* [q] *above an* 150 *furlongs in bredth, and neer* 300 *in length, being well inhabited round about, and affording good Corn. By which Water-passages* [r] *much more Commodities were brought to* **Alexandria**, than by Sea; *so as the Haven on the Lake side, was richer than that on the Sea; and more goods carryed from* **Alexandria** *to* **Italy**, *than from* **Italy** *thither, as plainly appeareth by the Vessels, more or less fraughted, which pass to and again from thence and from* **Puteoli**. *Besides the wealth that is brought in at both Havens from the Lake and Sea, the goodnesse of the air is not unworthy to be remembred; it being occasioned by the water on both sides of the City, and the seasonable rising of the River* **Nilus**: *For whereas other Towns, situate by Lakes, have in the heat of Summer a gross and stifling air, forasmuch as their banks being left muddy, slimie exhalations are drawn up by the Sun, which make the air unwholesome, and occasion sickneſſe, here, in the beginning of the Summer, the* **Nile** *being full, filleth the Lake, leaving no part muddy to exhale any malignant vapour: At which time, the* Etesian *winds blow also from the North Sea, so as the* Alexandrians *passe the Summer pleasantly.*

And that the improvement made in **Egypt** by the drains and new Rivers, after the building of **Alexandria**, was very large, appeareth by these following instances, in several ages. *In* [s] *the sacred Commentaries of the antient Priests, there were numbred in* **Egypt** *Cities and Towns of note, eighteen thousand. Under* Amasis (the last King before the *Persian* Conquest,) *there were* [t] *twenty thousand Towns in* **Egypt** *inhabited. And under* Ptolomy *the first, above thirty thousand.*

The Printed Copies of *Diodorus* have only τεϱιχιλίων: But that reading is faulty, as appeareth by the preceding numbers, and the testimony of *Theocritus*, who was one of the seven *Pleiades* in the Court of *Philadelphus*, the second *Ptolomy*, in whose Territorie there [u] were thirty three thousand three hundred thirty nine, the improvement seeming then to be more compleat.

Howbeit, in tract of time, through great neglect, these Trenches and Drayns, by which the overflowing of the **Nile** so much inricht this Country, were filled with

h An. 1230.
i Herod. l. 2. c. 154
k Ib. c. 178.
l Strab. l. 17. p. 791.
n Strab. p. 800.
o Ib. p 795. a.
p Ib. p. 793. a.
q Ib. p. 799. c.
r Ib. p 793. a.
s Diod. Sic. p. 19. B.
t Herod. l. 2. c. 177.
u Theoc. Id. l. 17. v 82.

w Suet. in Aug. cap. 18. x

with mud: But *Augustus Cæsar* having reduced **Egypt** into the condition of a Province to the *Roman* Empire, caused them to be scoured [x] by his Souldiers: which noble work did so much restore it to the fertility it formerly had; and consequently increase the populousnesse thereof, that the number of persons there inhabiting, over and besides the *Alexandrians*, were shortly after, found to be no lesse than seven millions and five hundred thousand, as the tribute [y] mony paid by every head doth manifest. And thus much for **Egypt**.

y *Joseph.* de bello *Jud.* l. 2. cap. 16.

Cap. II.

BABYLON.

I Am now come to that sometime famous City of **Babylon**, situate in a low and flat Country: Of which Sir *Walter Rawleigh* (giving a reason, why there is so little written of *Belus*, who succeeded *Nimrod* the first *Assyrian* Monarch) saith, [z] that it is thought he spent much of his time, in disburthening the low Lands of **Babylon**, and drying and making firm grounds of all those great Fens and over-flown Marshes, which adjoyned to it.

z *Hist. of the world.* l. 1. cap. 10. Sect. 4.

How the parts hereabouts came thus to be surrounded, let us hear what *Pliny* saith, which is thus in effect. The River [a] **Euphrates** being cut into two parts, stretcheth it's left arm into **Mesopotamia**, by **Seleucia** (the principal City in **Syria**) and so into **Tygris**: and it's right arm to **Babylon**, the chief City of **Chaldea**; whence, passing through the midst thereof, it runneth into the Fens. It is reported, [b] that this division of that River was made by *Gobaris* the Prefect, lest otherwise, by it's violent course, it might have infested the City of **Babylon**: but by the *Assyrians* it is called [c] **Naarmalcha**, which signifieth the Kingly River.

a *C. Plin.* nat. hist. lib. 5. c. 26.

b Ib. lib. 6. c. 26.

c Ibid.

That the inundations from this River, are occasioned upon the same reason as those of **Nilus** before spoken of, we have not only the testimony of the before specified [d] Author, but of *Strabo*, whose words [e] are these,— *Exundat enim* **Euphrates** *æstate, sub ver incipiens, &c.* **Euphrates** *overfloweth in Summer, beginning at the Spring time, when the Snow in* **Armenia** *melteth; so that the Fields must needs be overwhelmed with water, unless that the flood be diverted by Trenches, in such sort as they restrain the River* **Nilus** *in* **Egypt**, *hereupon therefore is it, that Chanels are digg'd.* &c.

d *Plin.* nat. hist. l. 5. c. 26.

e *Str.* b. l. 16. p. 740.

That the Banks and Drains made by *Belus*, did not fully accomplish that work of Drayning above mentioned: or in case it did, that after-ages, through discontinuance of their repair, were little the better for them, appears by the relation of *Herodotus*; [f] who speaking of those two famous Queens of **Babylon**, *viz. Semiramis* and *Nitocris*, saith of *Semiramis*, (who reigned five ages before the other) *Hæc per planitiem aggeres extruxit, spectando dignos, quum antehac flumen eam restagnare solitum, (id est) She raised Banks throughout the whole Levell, worthy of observation, whereas before she did so, it was wont to be drowned by the River.*

f *Herod.* l. 1. p. 76.

And of *Nitocris*, that [g] being more active & diligent than her Predecessour, --- *ante omnia Fluvium* Euphratim, *&c. In the first place she diverted the stream of* **Euphrates** *into crooked Chanels, which before ran in a straight course, through the midst of the City, levelling the Ditches above, so that it might thrice flow into* **Arderica**, *a certain village of* **Assyria**; *and that those things which were conveyed by the Sea towards* **Babylon**, *through the River* **Euphrates**, *should thrice land at this village, for three dayes together. This she thus accomplisht. And likewise upon the verge of the said River, on each side, she raised Banks, for bignesse and height wonderful to behold.*

g Ibid.

Moreover, far above the City, and at some distance from the River, she digg'd a Chanel for the Fen, as deep as the water; which was in bredth every way, near three hundred and twenty furlongs: And the Earth digg'd out of it, she brought to the Banks of the River; the brims whereof she strengthened with stones, in such places where the weight of the said Banks did oppresse them. These two works, viz. the turning of the River into that winding posture, and the making that Drayn, she did; first to the end that the said River, by the many bendings thereof, might glide more gently; next, that the passages of Ships towards **Babylon**, *might*

le crooked; and lastly, that by those Navigations, the long Turnings of the Chanel might be sustained.

Cap. II.

GREECE.

Greece:

I Next come to those works of this kind, as were performed by the *Grecians*, whereof I shall give instance, in **Thessalie** and **Acarnania.** The first of these is said [h] to have been antiently a Lake, being on every side inclosed with Mountains: For on the East it hath the Hills **Peleon** and **Ossa**, mutually joyning at their descent; to the North, **Olympus**; to the West, **Pindus**; and to the South, **Othris.** The Valley betwixt these Hills, is **Thessalie.** Among other Rivers that flow into it, these five are the chiefest, **Peneus, Apidanus, Onochonus, Enipeus** and **Pamisus**, which running from the Hills, incompassing this Country, meet in the Plain and become one stream; which at one passage, and that but narrow, issueth into the Sea: from the confluence of these waters, **Peneus** continueth the name.

h *Herod* Polymnia l. 7. c. 129. p. 423.

It is reported, [i] that in old time, when as yet there was no out-let, these Rivers, and the Lake **Bebeis** besides, were not called as at present, although they did run no less than now; but running made all **Thessalie** a Sea. The *Thessalians* themselves say, that *Neptune* made that passage, by which **Peneus** floweth into the Sea: For the *Greeks* ascribe all beneficial inventions to their Gods: And *Herodotus* taketh it to be the effect of an Earthquake: But no man can deny it to be a very remarkable work of Drayning. And that it is now a place of extraordinary pleasantness, I shall refer my reader to the Map of *Tempe*, in *Ortelius* his *Parergon.*

i Ibid.

Of **Acarnania**, this is observable, [k] that where **Achelous** (a River of that Country) runs into the Sea, it hath already made continent one half of the Islands, called **Echinades**: and that the Fable goes, that [l] *Hercules*, here, encountring with *Achelous*, who is said to have transformed himself into a Bull, because of the roaring noise of the River; broke off one of his Horns, and gave it to *Oeneus* in pledge of his marriage with *Deianeira* his daughter. They which collect truth out of Fables, say, that *Hercules*, who was generally beneficial, for *Oeneus*, his Father in Law's sake, restrained the exorbitant overflowings of this River, with Banks and Trenches; and drayned a great part of the adjacent Country; and that this was the *Cornucopia*, which the Poets made to be the emblem of Plenty.

k *Herod* l. 2. 10

l *Strab.* l. 10. p. 458.

Cap. V.

Of the *ROMANS*

THAT the *Roman* works of this nature, were not a few, and those very eminent, I shall next make manifest; by their drains in the *Pompeian* Marshes; the *Fossa Mariana*; the improvements about **Placentia**, and **Gallia Cisalpina**; the restraint of the River **Tiber** in it's overflowings; and the exsiccation of the great *Fucine* Lake in **Italy.**

Sect. 1.

The *Pompein Marshes.*

In the year 593, when *L. Anicius Gallus*, & *M. Cornelius Cethegus* were Consuls, the Senate, [n] being in Counsel concerning the Provinces; because there seemed not sufficient use against the Enemy, for the ordinary forces of both the Consuls, (which are 4 Legions, besides the Auxiliaries, *& socii*;) there was a motion made, concerning the improvement of a great level of waste land, lying under water, about *xl* miles from **Rome**, in **Latium.** Which businesse was entertained with great approbation; for [o] like as it is esteemed a most high commendation, for a private man to be called a good Husbandman, by the Consuls; So doth the Senate now think, that they should deserve the praise of good Husbands for the commonwealth, if in this opportunity of leisure, they could gain such a quantity of rich Land to **Italy**, which

n *Liv.* 43. 915. 922.

o *Plin.* l. 18. c. 3. ex *Cato.*

which is, (the greateſt part) mountainous and barren.

Neither is this imployment thought too mean for the Legions, though conſiſting of Free men: For the *Roman* and *Italian* Infantry, as well accuſtomed to the Spade and Baſket, as to the Sword and Buckler, uſe to be their own Pioners, in their dayly intrenchments: Neither work they for their own ſafety only, in time of danger; but for the common good alſo, in time of ſecurity. The [p] Conſuls A°. 566. had herein given a preſident; who, leſt their Souldiers ſhould be idle, imployed them in making of High-wayes: hereupon it was decreed, that one Conſul ſhould attend the Enemy (in **Gallia**) and the other undertake the drayning of the *Pompeine Marſhes*.

[p] *Liv.* l. 39.

All [q] the Country, which lyes Eaſtward of **Rome**, between the River **Tiber** and **Campania**, is now united under the name of **Latium**; and in it, that place, which lyeth towards the Sea, beneath the row of Hills, which reach from **Velitre** to **Terracina**, is the largeſt. It is denominate from **Sueſſa Pometia**, antiently a rich City, and metropolitan of the *Volſi*, but now ſcarce extant. The maritime parts of this Vale, for a great extent, are drowned; not ſo much through any inundation of the Sea, (whoſe Tides are here but ſmall) as by reaſon the waters of **Amaſenus** and **Ufens** the bigger River, having not their paſſages ſufficienttly open into the Sea, diffuſe themſelvs over thoſe ſpacious low grounds, up towards **Sulmo** & **Setia**. This tract is therefore cal'd the *Pomentin*, or *Pomptin* Fens, having been in ſuch manner ſurrounded beyond all memory: For *Homer* [r], deſcribing the arival of *Ulyſſes*, at the *Circean* promontory, calls it an Iſland, in regard of theſe waters on the one ſide, and the Sea on the other: The which Iſland (ſayes *Theophraſtus* [ſ]) had about ten miles of circuit: But in his time (he wrote * about twenty years after *Appius* had been Cenſor) the Rivers, by caſting up earth, had joyned it to the continent: So as I do not perceive that hitherto (either before the *Romans* were Lords of the ſoyl, or ſince) there had been any order taken for the winning of this ground from the Water. *But now, by order of the Senate, the* Pomptin *Fens are laid dry* [t] *by* Cornelius Cethegus, *the Conſul to whom that Province fell, and they are made good ground.*

[q] *Strab.* l. 5.

[r] Odyſs. l. 10. v. 158.

[ſ] Hiſt. plant. l. 5. c. 9.

* An. 450. *Plin.* 3. 5.

[t] *Liv.* Epiſt. 49. *Florus* lib. 46.

The Country people, allured therefore with the richneſſe of the ſoyl, ſetled themſelves here, in ſuch abundance, that there was ſaid [u] to be, not long after this time (for I cannot underſtand it of any former) three and twenty Towns in this place, it being a land capable of many thouſand Huſbandmen. But [w] in after times, whilſt the ſtate (diſtracted with civil Faction,) neglected the maintenance of the Works, the waters again, by degrees, gained upon the Land; ſo [x] as *Julius Cæſar* had an intention, not only to have drayned the Fenns anew, but to have brought the *Appian* way through them.

[u] *Plin.* l. 3. c. 5. & *Mucianus*, ſui ævi.

[w] *Plutarch* C. Cæſ. p. 735 C.

[x] *Dio.* l. 44 p. 242. D.

Whether *Auguſtus* did any thing to them, may be doubted; for [y] in *Veſpaſians* time they were come to that paſſe, that it was eſteemed a miracle they ſhould ever have been ſo well inhabited. At the ſame time (I conjecture) when the beds of the Rivers were ſcoured, and the lands trenched, was that great cut made through the midſt of theſe Fens, which ſerved afterwards, not ſo much for a Sewer, as the more direct and eaſie paſſage of the Traveller: For whereas the *Appian* way (tracing the up-land) turned Eaſtward, and went in compaſſe about the Fens: This, being drawn in a ſtreight line, croſſes over more directly, and meets the High-way again. About three miles from **Terracina**, (ſaith [z] *Strabo*) as you go to **Rome**, this canal abutteth on the *Appian* way, and is repleniſhed in many places, with the Fenniſh and River waters: The ordinary paſſage is in the night; ſo as they who go aboard in the Evening, land in the Morning, and go on the reſt of their journey in the *Appian* way. They paſſe alſo in the day-time, the Boats being towed with Mules. Which water-paſſage is elegantly deſcribed by *Horace* [a]; where the company parting, he mentioneth the two wayes from *Forum Appii*, to **Terracina**, the *Appian* and this by Boat.

[y] *Plin.* 3. 5. & 16. 4.

[z] *Strab.* l. 5. p. 233. B.

[a] lib. 1. Sat. 5.

This Landing-place next to **Rome**, was in after-times known by the name of *Forum Appii*, a ſmall Town, inhabited [b] chiefly by Water-men, and Victuallers: but it is not evident whether it were formerly built, when the *Appian* way

[b] *Ibid.* v. 4.

was first made; or whether now, upon this occasion, it was erected for the convenience of them that here do take water, & named from the Road whereon it stands. The use of this passage continued long after the restagnation of the Fens, which were not again drayned, til *Trajan* the Emperour (performing the work, which *Julius Cæsar* perhaps intended) made a stone way through the *Pomptin* Fens, building Inns thereon, & most magnificent Bridges, for the conveyance of such waters, as were on the upper part of the Fen; In memory whereof, a monumental stone, was erected, with this Inscription, Copyed from the original at **Terracina**, by that learned Gentleman, Mr. *John Graves*.

c Dio. l. 68. p. 777.

IMP. CAESAR
DIVI NERVAE
FILIVS NERVA
TRAIANVS AVG.
GERMANICVS
DACICVS
PONTIF. MAX.
TRIB. POT. XIIII
IMP. VI. COS. V. PP.
XVIIII. SILICE SVA PEGVNIA.
STRAVIT
LIII.

* Decennovium.

This work of *Trajans* had no peculiar name; but because it shortened the *Appian* way, was esteemed part of it: Yet about four hundred years after, from the number of Mile-stones, it was called *Decennovium*, the reckoning being [d] from *Forum Appii*, ad *Medias* (the lodging of *Trajan* reared on the way) IX miles; From thence to **Terracina**, X more: And the Canal or River so called, because [e] it was XIX miles long. After this, *Theodoricus* King of **Italy**, authorized one *Decius* to drayn [f] *Paludem Decennovii*, which he performed by cutting many Trenches, that were not before; this being the third and last time, that these Marshes were laid dry; and in memory thereof, caused this Inscription [g] to be set up.

d Itin. *Hierosolym.*

e Procop. de b. Goth. l. 1. 182.

f Cassiod. Var. l. 2. Ep. 32, 33.

g Gruter. p. 152.

Anxuri, sive *Terracinæ*, in *Cæsarei* templo.

DN. GLORIOSISS. ADQ. IN
CLVTVS. REX. THEODORICVS. VICT.
AC. TRIF. SEMPER. AVG. BONO. REIP.
NATVS. CVSTOS. LIBERTATIS. ET.
PROPAGATOR. ROMANI. NOMINIS.
DOMITOR GENTIVM.

DECENNOVII. VIAE. APPIAE. ID EST A. TRIP.
VSQ.. TERRACENAM. ITER. AD. LOCA. QUAE.
CONFLUENTIBUS AB. UTRAQ. PARTE. PALUDUM.
PER. OMNES. RETRO-PRINCIPIVM. INVNDAVERVNT.
VSVI. PVBLICO. ET. SECVRITATI. VIANTIVM.
ADMIRANDA. PROPITIO. DEO. FELICITATE.
RESTITVIT. OPERI. INIVNCTO. NAVITER. INSVDANTE.
ADQ.. CLEMENTISSIMI. PRINCIPIS. FELICITER.
DESERVIENTE. PRAECONIIS. EX. PROSAPIA. DECIO
RVM. CAEC. MAV. BASILIO. DECIO. VC. INL.
EXPF. VRB. EXPPO. EX. CONS. ORD. PAT. QVI AD
PERPETUANDAM. TANTI. DOMINI. GLORIAM. PER.
PLVRIMOS. QVI. ANTE ERANT ALBEOS .....
..... DEDUCTA. IN. MA-
RE. AQVA. IGNOTAE. ATAVIS. ET. NIMIS. ANTIQVAE.
REDDI.. .....

Sed,

Sect. 2.

Fossa Mariana.

This was made * by the famous *Marius* [h] (who was seven times Consul) neer unto one of the out-falls of the great River **Rhodanus**, in that Fenny and Marish Countrey, not far from **Arles**, and issueth into the Sea.

* *Plutarch* in vitâ *C. Marii* ædit Lutetiæ 1624 p. 413, 414.

h Ante Christi incarna. an. 65.

Sect. 3.

The Fenns about Placentia.

These being occasioned by the overflowings of the **Po**, were [i] drayned by *Scaurus*, who caused navigable Trenches to be cut, from them, into **Parma**. The like is still observable in the Territory of **Ferrara**; which, though a low ground, and receiving the current of **Po**, with other Rivers of **Lombardy**, is yet secured by Banks and Works, which hinder their inundations; particularly by the help of the *Rotto di Ficarollo*, and the *Ramo di Polistella*.

i *Strab.* l. 5. p. 217.

Sect. 4.

Gallia Cis-Alpina.

This [k] Country much aboundeth with Rivers, especially that Territory belonging to the *Venetians*; which lying flat and towards the Sea, by the flowing of the Tides became a Fenny Marish: But by the help of Trenches and Banks (in such manner, as was long before experimented in the lower **Egypt**) some part thereof hath been [l] drayned, and made useful for tillage; some navigable, and some cut into Islands.

k *Strab.* l. 5. l p. 212.

Sect. 5.

Of the River Tiber.

To restrain the exorbitant overflowings of this stream, which was not a little choakt with dung and several old buildings that had fallen into it; I find, [m] that *Augustus Cæsar* bestowed some cost in the clearing and scouring of it: And that after this, through [n] abundance of rain, the low grounds about the City, suffering much by great inundations thereof, the remedy in preventing the like for the future, was, by the Emperour *Tiberius*, committed to the care of *Ateius Capito*, and *L. Arruntius*. Whereupon it was by them discussed in the Senate, Whether for the moderating the floods of this River, the Streams and Lakes, whereby it increased, should be turned another way: But to that proposal there were several objections made from sundry Cities and Colonies; the *Florentines* desiring, that the **Clanis** might not be put out of it's accustomed Chanel, and turned into the River **Arnus**, in regard much prejudice would thereby befall them. In like manner did the Inhabitants of **Terano** argue; affirming, that if the River **Nar** should be cut into smaller streams, the overflowings thereof would surround the most fruitful grounds of **Italy**. Neither were those of **Reate** (a City in **Umbria**) silent, who refused to stop the passage of the Lake **Velinus**, (now called *Lago de Terni*) into the said River **Nar**. The businesse, therefore, finding this opposition, was let alone. After which, *Nerva* or *Trajan* attempted [o] likewise, by a Trench, to prevent the fatal inundations of this River; but without successe.

m *Sueton* in *Aug.* c. 30.

n Annal. *Tacit.* l. 1.

o *Plin.* l. 8. Epist. 17.

Sect. 6.

The Fucine *Lake.*

Nor is it a little to be admired, what labour and costs the *Romans* bestowed in endeavours of this kind; it being testified [p] of the Emperour *Claudius*, that he imployed no lesse than thirty thousand men, for the space of eleven years, without intermission, for drayning of the great *Fucine* [q] Lake, in **Italy**: who digg'd for that purpose, a Chanel of three miles in length; whereof part was cut through a Mountain; yet did not accomplish the work. Which failing; no whit deterred posterity for making Father attempts therein: For it appears, [r] that *Plinie* described to the Emperour *Trajan*, how it might be perfected. What he did thereupon I find not; for it was his successor *Adrian* that finisht it.

p *Sueton* in vitâ *Claudii* cap. 20.

q *Nov. Lago de Celano.*

r *C. Plin.* Ep. l. x. 69. n.

† *Elius Spart.* de *Adriano Cæs.* in hist. *Augustæ Pariss.* ædita anno 1620.

Cap. V.

The Belgiq; *Provinces.*

FRom the works of the *Romans*, in Italy, (wherein I have instanced) I now come to *Belgiq*; Provinces.

This Country was part of **Gallia**; but so full of Woods and Fenns, that the victorious *Cæsar* could not conquer it, ------- *Omnes* Gallias, *nisi quæ paludibus inviæ fuere, ut* Salustio *docetur, autore, post decennales belli mutuas clades*, Cæsar *societati nostræ fœderibus junxit æternis*, saith [f] *Am. Marcellinus.* (i. e.) *All* **France**, *except the Fenny parts, which are not passable, after ten years warr, was by* Cæsar *reduced.* And afterwards saith [t] farther, *Hæ verò* Galliæ, *&c. But these parts of* **France**, *being, by reason of the Fenns, unpassable, are the Province of the* Menapii, *which* Cæsar *could never possess*, as *Dion Cassius* testifieth; who speaketh of *Cæsar thus.* ------- *After this he marched with his Forces against the* Morini, *and the bordering* Menapii, *whom he thought had been terrified with his other warlike atchievements, and easie to be conquered, though he had subdued none of them: Howbeit, they, not dwelling in Towns, but in Cottages, within Fenny places compassed with thick Woods; having hidden whatsoever they had most estimation of, did more annoyance to the wearied* Romans, *than they received from them.* 'Tis true, that *Cæsar* cutting down the Woods, did attempt to passe the said Fens: But by reason of their greatnesse, and that the Winter season approached, despairing of successe, he forbore the enterprize.

Now, that this part of **Gallia**, here spoke of, is the same which we at this day call **Flanders**, we have the testimony of a late learned Writer [u]. *Quamvis in* Flandriâ *fuisset hic author*, &c. (saith he.) *If this author had been himself in* **Flanders**, *and made a strict ocular Survey thereof, he could not more exactly have described it, as it antiently was: For the* Nervii *and* Attrebati, *first met with vast Woods, about* **Gant, Ipres,** *and* **Courray**, *even to* **Bruges**; *and afterwards, having passed the woods; with mighty Fens, where now the Territory of* **Franc.....**, **Furne**, *and* **Berge**, *are, extending to the main Ocean.* It is the opinion, therefore, of some learned men, that it hath it's name from the watery and Fenny situation thereof: And *Uredius* [w] taking notice of *Kilianus* his exposition of the word **ulacke**, that it signifies *æstuarium, locus vicissim æstu maris, vel mudus, vel aquis stagnantibus offertus*; id est, *a place whereunto, either the Sea-tides do ebb and flow, or that is filled with standing waters, hath this expression* ----- *Adeoq;, quia toto illo tractu, ab* Ardenburgo Dixmudam *usq;, & ultra, plura ejusmodi aquosa loca & paludosa occurebant, toto regio* **Vlaenderen** *dicta, unde* Flandræ, *numero plurali, voce in latinitatem deflexâ*: i. e. *Therefore because in that whole tract, from* **Ardenburg** *to* **Dirmuth**, *and beyond, there be many of those watrie and Fenny places, all the Country is called* **Vlaenderen**, *and thence* **Flanders**, *in the plural number, the word being declined into Latine.*

Much more could I adde, from the authority of Authentiq; Historians, to manifest how full of Marshes, Lakes, and Fenns, this Country antiently hath been, were it needful, though now there be little appearance that ever it was so; forasmuch as by the industry of the Inhabitants, those Fenns and Marshes are so Banked and Drayned, that the fertility thereof hath made it one of the most rich and populous Countries in this part of the world.

There are those who affirm, that *Baldwin* the first, having wedded [x] *Judith*, daughter to the Emperour *Charles* the bald, who was also King of **France**, had by the gift of the said King, this territory of **Flanders**, whereof he was made Earl: And that this *Baldwin*, besides his building the Castle of **Bruges**, and other places of strength, did much in clearing of the Woods and exsiccation of the Marshes, for making the Country more habitable and fruitfull. That this is undoubtedly true, I am induced to believe, from what the learned *Uredius*, before-mentioned, saith of this Earl; *viz.* ---- *Eo anno*, sc. DCCCLxiiii. *& anno sequenti*, Baldvinus *operam adhibuit* Brugensi *castro & vico, aquis & firmitatibus muniendis, adversus* Normannos, *ex Edictis Synodi* Pistensis *anno* DCCCLxii. *&* DCCCLxiii. *quæ habentur in Capitulis* Caroli Calvi, *editis à* Sirmondo

[f] Li. 5. v.

[t] Ibid. l. 39

[u] *Olivarius Vredius*, in his Com. *Flandr.* de vet. *Fland.* cap. 1. p. 3.

[w] Ib. c. 1 p. 9.

[x] *Mant. Cosmogr. lib. 2.* p. 119.

☞ Sirmondo --- *ut illi qui in hoſtem pergere non potuerint, juxta antiquam, & aliarum gentium conſuetudinem, ad Civitates novas, & pontes, ac tranſitus paludum operentur; & in Civitate atq; in marchâ munitas faciant ad defenſionem patriæ, omnes ſine ullâ excuſatione veniant.* i. e. *In the year* DCCCLxiiii. *and the year following,* Baldwin *beſtowed labour in fortifying the Caſtle and Town of* Bruges, *with Moats and Bulwarks, againſt the* Normans, *by virtue of the Edicts of the* Piſtenſian *Synod, held in the year* DCCCLxii. *and* DCCCLxiii. *which are recorded in the Statutes of* Charls *the bald, publiſhed by* Sirmondus --- viz. *that they who were not able to march againſt the Enemy; ſhould, according to the antient cuſtome of other Nations, be imployed in the making of new Cities, Bridges, and paſſages over the Fens: And, without any excuſe, ſhould come to raiſe Banks in the Cities and limits of the Country, for the defence thereof.*

The ſtory of drayning that part of this Country, lying betwixt **Dam** and **Ardenburg**, and thereby making it habitable, being very memorable, and much to the honour of thoſe who were active in that work, I ſhall in the next place exhibit.

y Hiſt. of the Netherlands p. 14 & 15.

In y the year *MCLxix. Floris* Earl of **Holland**, demanding the Iſle of **Walchren**, in **Zeeland**, from *Philip* Earl of **Flanders**; after a warr betwixt them, upon this quarrel, they came to an accord; *viz.* That Count *Philip* ſhould enjoy to him and his heirs for ever, the Land of **Waes**, (which is one of the beſt quarters of **Flanders**, which the Earls of **Holland** had formerly held) and *Floris* to be reſtored to the ſaid Iſle of **Walchren**; in conſideration whereof, he ſhould ſend to Count *Philip* a thouſand men, expert in making of Ditches, to ſtop the breach, which had been made neer unto **Dam**, or the **Sluſe**; whereby the Countrey was drowned round about, at every high Sea; the which the *Flemings* could by no means fill up, neither with wood, nor any other matter, for that all ſunk as in a gulf without any bottom, whereby in proceſſe of time, **Bruges** and all that juriſdiction had been in danger of being loſt by inundation, and to become all Sea, if it were not ſpeedily repaired. Wheerupon Count *Floris* ſent the beſt workmen that he could find in all his Countryes: who being come to the place, they found a great hole, neer unto this **Dam**; and at the entrance thereof, a Sea Dog, that, for ſix dayes together, did nothing but cry and howl very terribly. They not knowing what it might ſignifie, reſolved to caſt this Dog into that hole; whereupon a mad-headed *Hollander*, getting into the bottome of the Dike, took the Dog by the tail, and caſt him into the midſt of the Gulf, with earth and turf after him; ſo as, finding a bottom, they filled it up, by little and little.

And becauſe many workmen, that came in to the repairing of this work, lodg'd in Cabins (which made the place ſeem a pretty Town) Count *Philip* gave to them, and ſuch others as would inhabit there, as much land, as they could recover, from **Dam** to **Ardenburg**, for them and their ſucceſſors for ever, with divers immunities and freedomes; by reaſon whereof, many planted themſelves there, and in tract of time made it a good Town; the which, by reaſon of this Dog, ſo caſt into the hole, they named **Hontſdam**; that is to ſay, a *Dogs-Sluce*; **Dam** in *Flemiſh* ſignifying a *Sluce*, and **Hondt** a *Dog*: And therefore, at this day, the ſaid Town (now called **Dam**) carryeth a Dog in their Arms.

After this, *viz.* in the year of Chriſt *MCLxxx.* were the Banks from **Dam** to **Sluſe** (then called **Lamminſuliet**) raiſed and made; by which means the Sea, which had drowned all that tract, was excluded. z Annales Flandr. per Meiorum.

I now deſcend to **Holland** and **Zeland**.

Cap. VI.

HOLLAND.

THis Country, consisting of a three-fold earth; *viz.* Sandy to the Sea, Clay to the Rivers, and Moorish in other places, is accounted, saith *Bertius* [a], not without good reason, to be the gift of the Ocean, and of the Rivers **Rhene** and **Mose**, as **Egypt** is of the River **Nile**, by the testimony of *Herodotus*: Consonant whereunto, is that expression of [b] *Petr. Nannius* ----- *Quod si penitùs liceat in origines nostras inquirere, omnino mihi persuadeo*, Hollandiam *munus Boreæ ac* Rheni *esse, &c.* i. e. *If it be at all lawful to enquire into our Original, I wholly perswade my self, that* **Holland** *is the gift of the North-wind, and of the River* **Rhene**; *and was in the beginning no other than a more high place than ordinary, over which the tides did usually flow; whereby, through the increase of the sands, which the North-wind (fiercely agitating the waves) stirr'd up, it first grew to be a shore, and afterwards raised those sandy heaps, which we day'ly see, both to be made and destroyed.* And further addeth, *that the waters of the* **Rhene**, *by this stop, being kept up as it were with a Bank, setled the mud, brought down by the stream, about the shores; and so by long and frequent inundations produced these Pastures. For it cannot be imagined,* saith *Bertius*; [c] *that the face of this Country was alwayes as it now is discerned to be; or that it soon arose from it's former condition, unto this fertile and pleasant state, in which we behold it at present; there being much time, extraordinary labour, excessive study, vast expences, and great diligence necessary thereto: Nature therefore first inviting the Inhabitants bordering neer unto it, to make those Banks of sand, as a defence against the North-wind; and necessity also spurring them on (than which no Master is more ingenious and powerful) in time, those their accustomed endeavours became a second nature to them; it being not unusuall to see the very Boys and Girls, when they come to the Sea-side to recreate themselves, to put off their stockings and shooes, and taking up the sand with their fingers, to make walls therewith against the Ocean; within which thus encompassing themselves, they despise the force of the Waves.*

[a] P. Bertius, de aggeribus &c. cap. 13.

[b] Lib. 2. miscellan. cap. 1.

[c] P. Bertius de aggeribus c. 13.

That the *Batavians* (a warlike and hardy people of **Germany**) were the first, who observing aswell the naturall richnesse of the soyl, which the surges of the Ocean, had, of it's silt, sands, and mud, so raised in time, to the height of it's usual tides; did by their great industry, in making of large and strong Banks, thus gain it from the Sea, and make it habitable, we have the credit of divers [d] Historians: As also, that the *Danes* and *Normans*, did, after their invasion thereof, continue to preserve what they found so gotten. Nay, I find [e] that the *Saxons*, whom my Author calls *Aggerum exstruendorum peritos, skilful men in making such Banks*, did exercise their industry in this kind, here; the Town of **Sarthenheym** giving also some testimony thereof. Nor is it unlikely, but that the *Francs*, whose native seat these parts of the *Netherlands* was, contributed much to the works, here, of that kind; forasmuch as 'tis apparent [f], that they were the raisers of those Banks upon the *Loyre* in **France**, which do restrain the inundations of that River from drowning the Plains that lye adjacent thereto. How much honour, therefore; is due to the memory of those industrious people, who did first set upon this great and profitable work, I cannot easily express: For *invenire, primum præcipuumq; est*, &c. saith [g] Polydore Virg. *i. e. The first invention is the chief and principal thing, the fame whereof so exciteth many, out of the love they have to themselves, that every one, were it possible, would be accounted the Author of some Art; because without Arts, it is evident, that there could be no living.* Whereunto may be added, the consideration of it's difficulty, which makes it much the more regardable --- *Quid enim laudis* (saith [h] the before mentioned Author) *assecutus esset* Cæsar, *si facile fuisset* Britannis *bellum inferre? Aut* Hannibal, *quantum gloriæ sibi comparasset, si pervias* Alpes, *dum Italiam adiret, citra, ut dicitur, pulverem, sudoremq;, ac non magnâ suorum cæde fecisset?* i. e. *For what renown had* Cæsar *got, if his warre with the* Britans *had been an easie businesse? Or what*

[d] *Munst. Cosm. p. 516. P. Bertius ut supra.*

[e] Ibid.

[f] Ibid.

[g] De rerum invent. in Epist. ad ibidem, *Ludovico Odaxio.*

[h] Ibid.

what glory had Hannibal *obtained, if he had passed the* Alpes *with dust only and sweat, and not without great slaughter of his Souldiers?*

Nor can I be silent in the due praise of their Posterity, through whose industry, not only what hath been so happily gained by their Ancestors, is (for the most part) kept and maintained; but besides the dayly improvement thereof, through their singular dexterity and diligence, much more, frequently, increased and gained. To which end, and that those their defensive walls may be the better preserved, they do constitute peculiar Magistrates, whose charge and Office it is to look to them; whom they call [1] **Dickgraven**, that by them, both the inner and outer Banks, may upon all occasions be repaired and made good, in case of any breach or weakning in them. Which Banks are of that strength and height, that they do preserve the Country from certain drowning at the high tides: For it is evident to all that sayl in the Ports of these flat Countries, that at full Sea, the Fields within the Banks, wherein Cattle are depasturing, and Corn growing, do lye below the levell of the Ocean, which is to many no small astonishment.

[1] P. Bertius ut supra.

Having thus shewed, how and by whom this Country of **Holland** was first gained and made habitable, I will now make some observation, of those advantages as have been farther acquired of late years, by this active and ingenious people in their great and beneficial improvements; the number of the Inhabitants so much increasing, as that urgent necessity enforc'd them to make use of their utmost skill, for the accomplishing somewhat, as might be considerable in such a case. This was by drayning of sundry Lakes, whereof sixteen were most considerable; all which was performed within the space of these last fifty years, by certain Wind-mills, devised and erected for that purpose. The chiefest of which Lakes, called the **Beemster** (containing above eighteen hundred Acres) made dry by the help of *Lxx.* of those Mills, and walled about with a Bank of great strength and substance, is now become a place of such profit and pleasure, through the abundance of Cattel, that are fed in it, and the plantation therein, otherwise made, that it may not without desert, be very justly called, the most famous Garden of all that Province.

The other Lakes, so drayned, as I have said, do lye about the Cities of **Alcmare**, **Hoorne**, and **Purmerende**; and are vulgarly called **de Schermere**, **de Waert**, **de Purmer**, and **de Woormer**: Which, being drayned by the help of fewer Mills, are now become not only most fruitful Pastures; and little inferiour to the **Beemster**; but have so inricht the adjoyning villages, by the concourse of people to them, that through the great emolumēt to the publick Treasury, and the abundance of Cheese and Butter there made, there seemeth to be a new **Holland** within the old.

That the performance of these eminent works, required extraordinary knowledge and skill, which antient times had not attained to, and forein Nations now admire, is not to be doubted; the Engines of several kinds made use of, in this businesse, for raising up the water and casting it off, being framed by men of singular judgements in Mathematical learning, and suitable to the depth of the water, or opportune conveying it away.

Neither have the attempts of these people, by the like commendable enterprizes, in *South*-**Holland**, about the Cities of **Leden**, **Dort**, and **Amsterdam** had lesse successe; there having been divers thousands of Acres, formerly overwhelm'd with water, made good and firm land, within these few years, by the help of these Engins, as I have been credibly informed by that learned Gentleman, Dr *John de Laet* of **Leyden**, to whom I have been beholden for much that I have here said, touching these improvements in **Holland**, in such sort as I have expressed.

C 3 CAP.

Cap. VII.

FRISELAND.

THis Country, situate also very low, and much subject to inundations from the Sea, wanteth not the like advantages by Walls and Banks of earth, for it's better safeguard, as that of **Holland** hath; nor of lesse antiquity (I presume:) But those elder times, I shall passe by, and take notice of that remarkable and famous work, of this kind, done by [k] *Gaspar Roblesius* (a *Portugal*) Governour of this Province and **Groningen**, under *Philip* the second K. of **Spain**.

[k] *Pierii Winsemii* hist. de rebus *Frisicis* l. 3. p. 241.

About the year *MDLxxvi.* this worthy person, having driven out *Entenius* (a Rebel) and dispersed his Forces, betaking himself to works and studies, befitting a time of peace, perfected that famous Sea-Bank, by which **Westergoos** (a part of that Territory) was defended from the overflowing of the Ocean; which for many Ages, had by it's tides, occasioned infinite damage to the Country; thereby raising to his memory a lasting Monument of his fame: For by his contrivance it was, that the work was set upon; and by his power, that the people, of themselves averse and slow to so publick and beneficial a work, were compelled to come in, man by man, to raise this strong Bank, as if it had been to quench a Fire: In this alone, it being a work, of security to the Country, and for his Honour, which exceeded the renown of those that had been the preceding Governours of that Country, under the Emperour *Charles* the vth. and the said King *Philip*, to last (saith my Author [l]) *quamdiu natura rerum, aut mari limes sit. i. e.* to the end of the world. For this famous Sea-Bank, being perfected, *Adrianus Vastartius*, and *Johannes Carolus* went to **Harling**, and erected a Monumental pillar of stone, upon the shore there, which should give bounds to the maritime and mediteranean *westergois*; and thenceforth avoid all future contention about the repairing that Sea-bank; in the foundation of which pillar were laid twelve thousand Bricks, the height of it being xx. foot above the top of the said Sea-Bank, and this Inscription towards the West.

[l] Ibid.

Caspari à Robles Equiti, domino de Billi &c. Frisiæ, Groningæ, ejusq; territorii ac adjacentium gubernatori, quod hanc provinciam, præter arma, consiliis & munimentis juverit; ac inter cætera aggere ipsis Kal. Nov. MDLxx. funditus everso, amplissimi D. Viglii Zuichemi, patris patriæ, auxiliaribus operis, & adhibitis Igramo ab Achelen Pr. Adriano vastaret, Petro Frittema, & Joanne Carolo senatoribus, conciliorum sociis, novum maris propugnaculum, summo labore, vigiliâ, & celeritate, decretis quoq;, & de suo persolutis diligentiæ præmiis, tribus plus minus mensibus à fundamentis erexerit, & ad summam manum perduxerit; atq; hunc lapidem, sublatis controversiarum litibus terminum esse voluit; gratus Provincialium ordo, ob rem prudenter, benè & fideliter gestam, de se ac de Republicâ optimè merito.

In [m] this Province, likewise, and in **Groningen**, which adjoyneth thereto, divers Lakes have also been drayned of late years, which are now become most fruitful Pastures: Amongst which the most notable, was a certain Fenny tract, which in the Dutch Language, they called **de Wilde Weemb**; which, at the costs of divers Merchants of **Amsterdam**, is become such rich meadow ground, that within these six or seven years last past, about the number of ten thousand people, went thither to plant themselves, who do now live there very happily.

[m] Ex relat. v. cl. *Iob.* de *L.* et.

CAP

Cap. VIII.

Zeland.

n Hist. of the Netherlands. p. 161.

In Aº *MDxxxvi*, the new Haven of **Middleburg**, in the Island of **Walcren**, passing in a straight line from the Town unto the Bank of the Island, where it falls into the Sea, was finished. Before this their Haven was neer unto the salt Marshes of **Armuyden**, having a crooked course unto the Town, and there very discommodious.

o Ibid. p. 177.

And in o Aº *MDxlvii. Adolph* of **Burgundy**, Seignior of **Chapelle** and **Wackene**; *Ferosme Sandelin* Seignior of **Herentont**, Receiver of **Bewesterscheldt** in **Zeeland**, and some private Gentlemen, did recover and wall in, about **Sheerenskerke**, and **Henkepsandt**, in the Country of **Zuydbeveelandt** (otherwise called the Isle of **Ter Goes**) the old inclosure or **Polder** (which is a land won from the Sea) the which before the inundation, was usually called **Zeethuys**, so as it remained a long time unprofitable; but since it's recovery, they call it **Cray**; at this present a most fertile Country.

It would require a Volume, to give instance of the sundry works of this nature in these low Countries, by Banks, Ditches and Sluces. Nor have they been lesse active in **Brabant**, as it should seem: For in the opinion of the learned p, that Country, now a fair and dry habitation, hath been Sea almost as far as **Tongerne**.

p *Nennius Alemanensis*

Cap. IX.

Holstein.

In Holsatia likewise, about **Dithmarsh**, and the tracts of **Wilstar**, and **Crempen**, consisting of Low grounds and subject to inundations; *Johannes Adolphus*, Duke of **Holstein**, beginning in the year *MDCx.* by notable works, within the compass of five years, secured many thousand acres, & improved the lands above three hundred thousand Dollars: which being effected, he parcell'd them out by gift or sale unto his Subjects; reserving out of every portion, a Rent unto himself; *Tantum territorii subditis & amicis cessit, ea lege, ut vel aggeribus cingatur, vel ab aquis intestinis liberetur, & hinc quotannis celsitudinis suæ ærario, certus Canon, pro quolibet * demeto numeretur*, as the learned *Schoneveldeus* q reporteth. Holstein.

* Every *demetum* contains 36 virgæ in length, and 6 in breadth; and every *Virga* 16 foot.

q In *Scubjobargia*. p. 47.

Cap. X.

America.

Neither do we want examples of this nature, in **America**: For the City of **Mexico**, being seated in a great Lake, much subject to inundations, which had almost destroyed it; in the year *MDCxxxiiii.* the *Spaniards* with mighty industry, secured that habitation, by turning the Lake, and so laying the City dry.

CAP.

Romney Marſh.

CAP XI.

HAving now done with my obſervations of the moſt remarkable Bankings and Draynings in Forein parts, which by way of Introduction, I thought fit to be taken notice of; I come to **England**, that being the place of my farther deſigned diſcourſe on this ſubject: Wherein, for my more orderly proceeding, I do purpoſe to begin with **Kent**, in reſpect of it's Eaſtern ſituation; and in it, firſt, with **Romney Marſh**, a ſpacious tract in that Country, and more antiently ſecured from the inundations of the Ocean, than any other part of this Realm, as may ſeem by the Laws and Conſtitutions for regulating it's repair, which have been long ago made the Rule and Standard, whereunto all the other Marſhes and Fenns in this Nation, were to conform.

And in the next place to take a view of the other, heretofore, ſurrounded Marſhes in that County, aſwel adjacent to the *Thames*, as bordering on the Sea: And, having ſo done, to aſcend up the ſtream of that fair River, on the South-ſide: And then deſcending on the North ſide, to obſerve what I have met with, which is memorable, in reference to any Marſhes that lye on either. Thence into **Suſſex**, **Somerſetſhire**, **Glouceſterſhire**, **Yorkſhire**, and **Lincolnſhire**; and laſtly to that *great Levell*, which extends it ſelf no leſſe than *Lx.* miles, and into ſix Counties; *viz.* **Cambridge**, **Huntindon**, **Northampton**, **Norfolk**, **Suffolk**, and **Lincolnſhire**, wherewith I ſhall conclude this work.

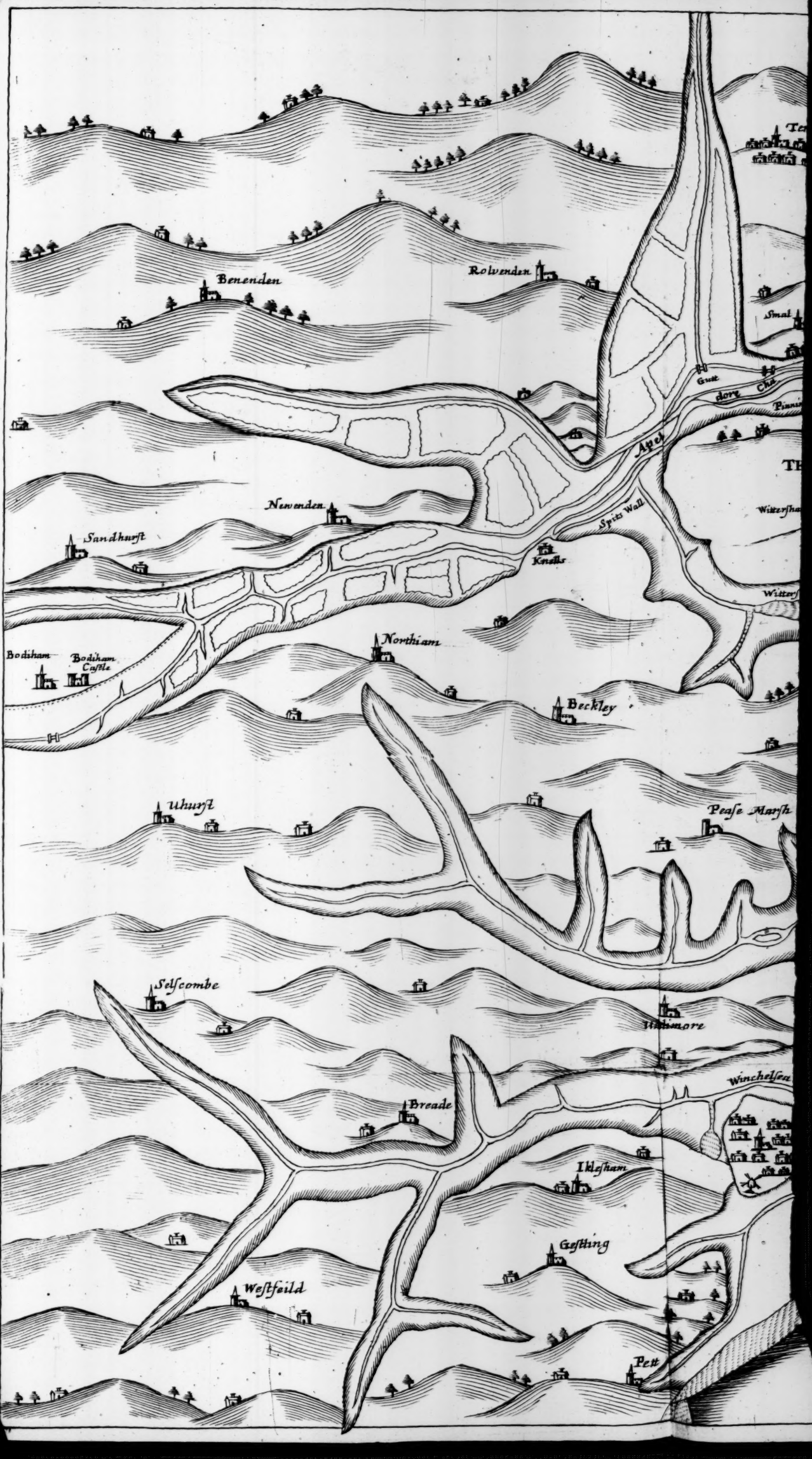
How long ſince, or by whom, this fruitful and large tract, containing [r] no leſſe than twenty four thouſand Acres, was won from the Sea, there is no teſtimony left to us from any Record or Hiſtorian, that ever I could diſcover: Which defect, doth ſtrongly argue, that the firſt gaining thereof was a work of the greater antiquity.

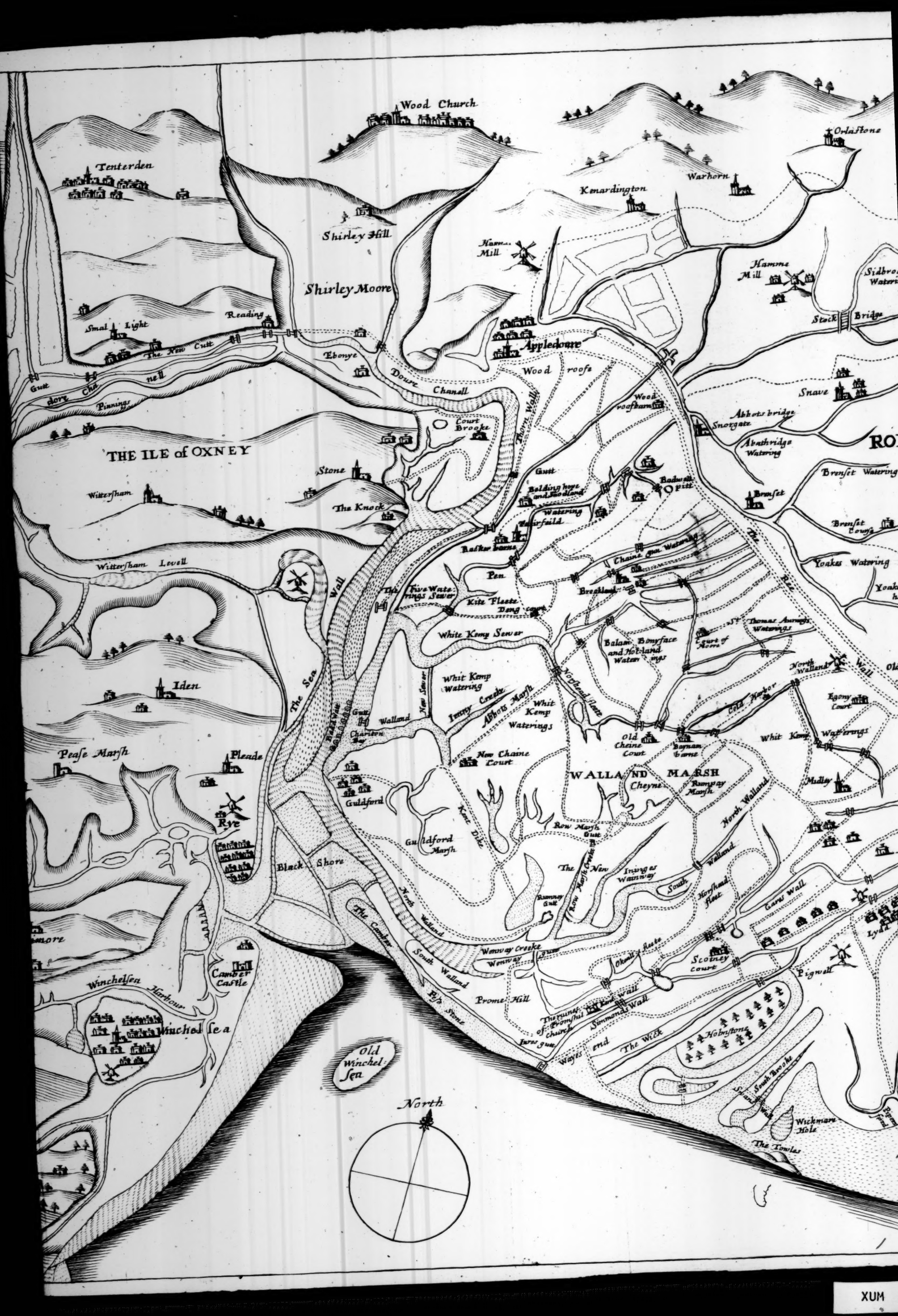
[r] *Lamb.* peram. of **Kent** (edit. *Lond.* 1656.) p. 211.

To attribute it unto the *Britans* (the primary Inhabitants of this Nation) or to the *Saxons*, who ſucceeded them, I dare not adventure; the firſt of theſe, being a people ſo rude and barbarous, as they were not verſt in any Arts; and the latter ſo illiterate, for the moſt part, as that little of invention can juſtly be aſcribed to them. That it was therefore a work of the *Romans*, whilſt they were Maſters here, as it is the opinion of ſome learned men, ſo do I make thereof no doubt, conſidering to what a height, not only in learning, but in divers Arts and Sciences that people were arrived, as by ſundry teſtimonies we plainly find. Beſides, it is not only evident, from the credit of our beſt Hiſtorians, that their ſeveral Colonies, diſperſt throughout this Nation, were ſo excellently diſciplined; that, for avoiding the miſchiefs, which idleneſſe produces, they were alwayes exerciſed in ſome fit and neceſſary imployments, as thoſe great and publick *Ways* [s], and other ſtupendious Works, made and raiſed by their skill and induſtry, do ſufficiently ſhew: But by the teſtimony of the famous *Tacitus* [t] (an Author of that time) who tells us, that the *Britans* complained,

[s] *Watling-ſtreet.* *Foſſe.* *Erminſtreet.* *Ikenild,* and divers other.

[t] In vitâ *Agricolæ.*


Benenden
Rolvenden
Newenden
Sandhurst
Spits Wall
Knells
Bodiham
Bodiham Castle
Northiam
Beckley
Uhurst
Peasе Marsh
Selscombe
Winchelsea
Breade
Iklesham
Gestling
Westfeild
Pett


Wood Church
Tenterden
Shirley Hill
Shirley Moore
Reading
Smal Light
The New Cutt
Gutt
dore
Cha
nell
Pinnings
Ebonye
Doure
Chanall
Court Brooke
THE ILE of OXNEY
Stone
Wittersham
The Knock
Wittersham Levell
Iden
Pease Marsh
Pleade
Rye
Black Shore
Winchelsea Harbour
Camber Castle
Winchelsea
Old Winchelsea
The Sea
Wall
Five Waterings Sewer
Kite Fleete Dene
White Kemp Sewer
New Sewer
Whit Kemp Watering
Ivery Creeke
Abbots Marsh
Whit Kemp Waterings
Walland
Charlton Bay
Guldford
New Chaine Court
Guldford Marsh
Kent Dike
North Walland
South Walland
The Camber
Wenway Creeke
Wenway
Ryes Stone
Prome Hill
The ruins of Promehil church
Jurys gut
Kent Wall
Simmonds Wall
Wayes end
The Wick
Old Winchelsea
North
Wood Church
Orlastone
Warhorn
Kenardington
Hamm Mill
Appledore
Wood roofe
Wood roofharm
Court Brooke
Thorn Wall
Gutt
Balding hope and Woodland Watering
Fairfield
Badwell pitt
Raiker borns
Pen
Breakland
Chaine gate Watering
Abbots bridge
Snorgate
Abbathridge Watering
Snave
Brenset
Brenset Watering
Yoakes Watering
Thomas Aumeys Waterings
Court of Moore
Balam Bonyface and Holland Waterings
Northland fleete
North Walland
Wall
Egony Court
Cold Harbor
Whit Kemp Waterings
Old Chaine Court
Boyman Gate
WALLAND MARSH
Cheyne
Rumpay Marsh
Midley
Row Marsh Gutt
The New Row Marsh Creeke
Rumney Gut
Inwages Wanway
South Horsland fleet
Gates Wall
Scotney court
Okall Gate
Pigwell
Hobnstone
South Brooke
Wickmere Hole
The Towles



The description of ROMNEY MARSH, WALL AND MARSH, Denge Marsh, and Guilford Marsh, with the divisions of their waterings, their Heads, Armes, principall Sewers, and their Gutts, for the Sewing of the Fresh-waters that fall into the same: and also the Levells of Wittersham, Shirley Moore and the surrounded Marshes, from Appledoure Chanell lying to the River of Rothersbridge, up to Newenden, Sandhurst, and Bodiam; together with the Harbours of Rye and Winchelsea, with the Marshes adioyning.

The Scale of Miles

1 2 3

ed, that the *Romans* wore out and consumed their bodies, and hands, *in silvis & paludibus emuniendis*, i. e. *in clearing the woods, and banking the Fens*, if I mistake not: For the word *emuniendis*, must have a sence, aswell befitting *paludibus* as *silvis*; and therefore cannot properly (I presume) be otherwise construed.

'Tis true, that *munire viam*, is a phrase used by *Cicero*, for the paving a way, or making a Causey: And some [u] are of opinion, that here, the words *paludibus emuniendis*, are to have the like signification, and to be construed in making Causeys over the Fens: But if it should, as I cannot well admit, it must be granted, that before any pavement or Causeys could be made in such places, the water was, of necessity, first to be taken and kept off, by drayning and banking: So that, allowing that construction, what I endeavour to prove will be well enough made good; *viz.* that the bankings and draynings, both here and in some other parts of this Realm, which were, before that time, overflowed by Sea-tides, was a work of the *Romans*; as when I come to **Holland** in **Lincolnshire**, and **Marshland** in **Norfolk**, I purpose more fully to demonstrate.

[u] Dr. *Holland*, in his transl. of *Cambd. Brit.*

And therefore, forasmuch as the *Romans*, when they were here in **Britain**, did something in this kind, as I shall make more evident in my discourse of **Holland** and **Marshland**, before specified, from undoubted testimonies; I cannot but conclude, that this Marsh was a part thereof; in regard, that not long after their desertion of this Country, I find mention of it, and that it was then inhabited. For in the year of Christ *DCCXCvi.* it is thus said [w] of *Ceolf* King of **Mercia**; *viz.* that *Cantiam vastavit, & provinciam quæ dicitur Merscwari*; which (no doubt) is meant this **Romney Marsh**: For the learned *Cambden*, in his *Britannia*, speaking of it, saith, that in the *Saxons time*, the Inhabitants thereof were called Menpc-pape, *id est*, *viri palustres*, *Marshmen*; which accordeth fitly with the nature of this place.

[w] *Ethelw.* Chron. l. 3. f. 478. a.

There are who suppose, that the name of it, *viz.* **Romeney**, doth declare sufficiently, that it was, at first, won from the Sea by the *Romans*: But [x] Mr. *Lambert* saith, that it was, in the *Saxons* time, written *Rumen-ea*, *id est* the large watry place; and since that *Rumenale*, and *Romenale*, corruptly. Consonant to which expression of his, I find, that the River, passing through this Marsh, was antiently called *Rumen ea*: For so it appeareth by that grant [y] of *Pleigmund* the Archbishop, made to *Christs-Church* in **Canterbury**, about the year of Christ, *DCCCC.* in these words — *Concedo Ecclesiæ Christi, terram quæ vocatur* Wefing mersc, *juxta flumen quod vocatur* Rumen ea.

[x] Peramb. of **Kent**. p. 208.

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[y] *Lel. Coll.* vol. 3. p. 57.

Having now, by these circumstantial testimonies shewed, that the *Romans* were they, that by their skill and experience in such works of Banking and Drayning, did first gain this rich and large tract of ground, from the impetuous Sea-tides; I shall now descend to those Statutes and Ordinances, which the care and wisdome of succeeding ages did make, for the preservation and defence thereof, from being again drowned and destroyed, by the violent over-flowings of the Ocean.

That the Common Laws of **England**, whereof we find no original, were [z] at first certain Constitutions made by some of the antient Kings and Rulers of this Nation, there is none (I presume) that doubteth, though there be no other authority for to back them, than long usage and custome. The like therefore (I suppose) were the Statutes and Ordinances for the conservation of this Marsh: For albeit we are yet to learn, when and by whom they were first framed and composed, it is evident from the testimony of unquestionable Records, that above four hundred years since, they were called *antiquas & approbatas consuetudines*, i. e. *antient and approved Customes*: For [a] in 35 *H.* 3. the King, directing his Writ to the Sheriff of **Kent**, and thereby declaring [b], that Complaint having been made to him, on the behalf of the *xxiiii* Jurats, made choice of for the conservation of the Marsh and Sea-Banks of *Rumenale*; importing, that whereas in pursuance of their *antient and approved Customes*, they had distrained those, who ought of right to repair those Banks, according to the proportion of their Tenements, for the

[z] *Doctor and Student c. 7.*

[a] *Claus.* 35. H 3 m 16 in dorso.

[b] *Ibid.*

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safeguard and defence of all the Country against the Sea: And that he the said Shireeve had made Replevin of the same distresses; commanded him, that in case he had so done, he should return them back to the said Guardians, and permit those Jurats to use their *Customes* and Liberties, for the defence of themselves and others against the Sea, as they ought and had wont to do, lest farther complaint should be made thereof, and that by him any peril might come to the said K. & Kingdome; because (as the same Mandate expresseth) they are ready to exhibit Justice to every Complainant, according to their *Customes* to that time obtained and used; and likewise to abide the Law, as they ought and had wont to do, if they had in any thing transgressed against those usual *Customes*. By which precept he was moreover forbidden to make any future replevin, by virtue of whatsoever Writ from the said King: *quia necessitas defensionis talis inopinata, si venerit* (saith the Record) *legi communi vel justitiæ subesse non poterit*. i. e. *because the unforeseen necessity of such defence, in case it should happen, cannot be subject to the Common Law, or Justice.*

Nay, so tender was the said King, for the preservation and security of this famous and fruitful Marsh, that, the next year following, by his Letters Patents, bearing date at S. **Edmundsbury**, the second of *September*, directed likewise to the Shireeve of **Kent**, making this recital; *viz.* that because *xxiiij* lawful men, of the Marsh of *Rumenale*, elected and sworn for that purpose, time out of mind, ought to make distresses upon all those, which have lands in the said Marsh, for the repairing of the Banks and Water-courses thereof, against the violence and danger of the Sea: and upon all others which are obliged and bound to the repair of the said Banks and Water-courses; he granted to those *xxiiij* that for the security of the said Marsh, they should make those distresses, so that they were done equally, according to the proportion more or lesse, which each man had therein, and according as some of them were obliged and bound: And therefore commanded the said Shireeve, that for avoiding of perill, he should neither by himself nor his Bayliffs, meddle with the distresses so made by the appointment of the said *xxiiij* Jurats. Farther signifying, that whosoever should make complaint to him upon consideration of the said distresses, he would do him Justice in his own Court, and reserve that Justice to himself, or his own special Mandate.

c Claus. 36. H. 3. m 4.

But after this, *viz.* in the 41 *H.* 3. it being represented [d] to the said King, by certain of his loyal Subjects; that whereas, time beyond memory, judgements ought to be made, by *xxiiij* lawful men of the Marsh of *Romenalle*, to that purpose chosen and sworn, for the distraining of all those which had lands in the said Marsh, to the repair of the Banks and Water-courses of the same, against the force of the Sea, and peril of inundation by other waters; as also of all those, who were otherwise obliged or bound to those repairs, he the said King, by his special Precept [e], bearing date at **Wertone** the *xvi*th of *April*, directed to *Henry de Bathe* (a famous Justice Itinerant of that time) reciting his Letters Patents next above mentioned; with the power thereby given to the said *xxiiij* Jurats, touching the taking of distresses, as aforesaid; and signifying, that the said *xxiiij* Jurats, having had opposition and resistance by certain persons of the said Marsh, who were obliged to the repair of those Banks and Water-gangs, according to the quantity of the lands, which they had therein, were not able to make the before-specified distresses: Whereupon the said Banks and Water-gangs, being not repaired, the inundations from the Sea and other waters overflowed this Marsh, to the inestimable damage of the said King and the Inhabitants thereof. Being therefore desirous to provide for his own Profit and Indempnity, and the men of the said Marsh, he constituted the said *Henry de Bathe*, his Justice, to hear and determine the controversies touching those repairs, risen betwixt the said Jurats and the Marsh-men, who were so obliged to the same repairs, according to the quantity of their Lands and Tenements lying therein, and according to what some men were otherwise bound or obliged; commanding him, that at a certain day and place, to be by him appointed

d Pat. 42 H. 3. m. 10. in dorso.

e Ibid.

pointed, he ſhonld be in thoſe parts, to hear and determine the ſaid controverſies, and to provide for the ſecurity and defence of the ſaid Marſh, as aforeſaid. And moreover to ſignifie in writing, diſtinctly and plainly, unto him the ſaid King, what he had done therein, that the ſame might be inrolled. And directed, likewiſe, his Mandate to the Shireeve of **Kent**, that at a certain day and place to be aſſigned by the ſaid *Henry*, he ſhould cauſe ſuch and ſo many honeſt and lawful men, of this Bayliwick, to come before him; by which perſons the ſaid differences might be the more fitly determined, and proviſion for ſecurity of the ſaid Marſh the better made. And that the ſaid Shireeve ſhould perſonally aſſiſt and attend the ſaid *Henry* therein, as he the ſaid *Henry*, on the ſaid King's behalf ſhould enjoyn him.

By authority of which Precept, the ſaid *Henry de Bathe*, with his aſſociates; *viz. Nicholas de Hanlou*, and *Alured de Dene*, ſate[f] at *Romenhale* upon the *Saturday* after the Feaſt of the *Nativity* of the Bleſſed Virgin, in the ſaid *xlii* year of King *Henry* the third, before ſpecified; to which place the ſaid Shireeve of **Kent**, his aſſiſtant, by virtue likewiſe of the ſaid Writ, then brought thither ſo many and ſuch lawful men of his Bayliwick, as aforeſaid, by whom theſe differences might be determined, and proviſion for the ſafety of the ſaid Marſh the better made. And the ſaid *Henry*, at the requeſt of the Councel of the Commonality of the ſaid Marſh, then and there likewiſe being, and none of the Marſh-men gain-ſaying it, made and conſtituted theſe following Ordinances; *viz.*

[f] *Clauſ.* 42. *H.* 3. in dorſo m. 9.

1 The Ordinances of *Henry de Bathe.*

That twelve lawful men ſhould be made choice of, by the Commonality of the ſaid Marſh; viz. *ſix of the Fee of the Archbiſhop of* **Canterbury**, *and ſix of the Barony; who, being ſworn, ſhould meaſure both the new Banks and the old, and thoſe other, which ought to be new made; the meaſure to be, by one and the ſame perch* ſcil. *of* xx *foot. And that afterwards the ſaid Furats ſhould likewiſe, according to the ſame perch, meaſure by Acres all the Lands and Tenements, which were ſubject to danger, within the ſaid Marſh. And all the ſaid meaſure being ſo made, that then* xxiiii *men, firſt elected by the Commonality, and ſworn, having reſpect to the quantity of the Banks of thoſe Lands, which lay ſubject to peril, upon their oaths to appoint out every man his ſhare and portion of the ſame Banks, which ſhould ſo belong to him, to be made and ſuſtained; ſo that according to the proportion of the Acres ſubject to danger, there ſhould be aſſigned to every man his ſhare of perches; and that the ſaid aſſignation ſhould be made by certain limits, ſo that it might be known where, and by what places, and how much each man ſhould be obliged to maintain.* Romney Marſh.

2 *And that when neceſſity ſhould happen, by occaſion whereof it might be requiſite to withſtand or reſiſt the danger and violence of the Sea, in repairing of the before ſpecified Banks, that the ſaid* xxiiii *Furats ſhould meet together, and view the places of danger, and conſider to whom the defence of the ſame ſhould be aſſigned; and within what time to be repaired.*

3 *And that the common Bayliff of the ſaid Marſh, ſhould give notice to thoſe, unto whoſe defence the ſaid places ſhould be aſſigned, that they ſhould defend and repair them, within the time aſſigned by the ſaid* xxiiii *Furats: And if they neglected ſo to do, that then the ſaid common Bayliff ſhould, at his own chardge, make good the ſaid repairs, by the overſight of the* xxiiii *Furats: And that afterwards, the party ſo neglecting ſhould be obliged to render to the ſaid Bayliff, double the chardge ſo laid out by him about thoſe repairs: Which double to be reſerved for the benefit of the ſaid Banks; and the repair of them: And that the party ſo neglecting ſhould be diſtrained for the ſame, by his lands ſituate within the ſaid Marſh.*

4 *Moreover, in caſe any parcel of land ſhould be held in common by partners; ſo that a certain place could not be aſſigned to each partner for his own proportion*; viz. *a whole or half perch, in reſpect of the ſmall quantity of the Land; that then it ſhould be ordained by the oaths of the* xxiiii *Furats, and viewed what proportion of the ſaid land ſo held in common he might be able to defend; and thereupon a certain portion ſo to be defended by the ſaid partners, in common, to be aſſigned to them. And if any of the ſaid partners ſhould neglect to defend his portion, after admonition given to them by the Bayliff, the ſaid portion of the party ſo neglecting to be aſſigned to the other partners,*

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who ought to make the like defence: Which partners to hold the portion of the party so neglecting, in their hands, untill he should pay his proportion of the costs laid out about the same defence, by the oversight of the xxiiii *Jurats; and also double towards the Commodities of the said Banks, and the repair of them, as aforesaid.*

5 *And that if all the partners should happen to be negligent in the premisses, then that the common Bayliff before mentioned, should make good the whole defence, at his own proper costs, and afterwards distrain all those partners, in double the chardges so by him expended in the said defence, by view of the* xxiiii *Jurats, as aforesaid: Saving to the chief Lords in the said Marsh, the right which they have against their Tenants, touching this defence, according to their Feoffments.*

6 *And (lastly) that all the lands in the said Marsh be kept and maintained against the violence of the Sea, and the floods of the fresh waters, with Banks and Sewers, by the Oath and consideration of* xxiiii *Jurats, at the least, for their preservation, as antiently had been accustomed.*

g Pat. 42. H. 3. m. 7.

About this time I find[g], that the K. had advertisement, that his Haven of **Rumenale** was in great danger of destruction, to the no little damage of the publick, and excessive annoyance of the Town of **Rumenale**, unlesse the course of the River of **Newendene**, whereupon the said Haven was founded, being then diverted by the overflowings of the Sea, were reduced to the said Port: And that he was informed by an Inquisition, made by *Nicholas de Handlon*, whom he had sent into those parts, to provide and ordain in what sort the said stream might be again brought to the same Haven, by it's antient Chanel, or a new one to be made; that it could not be so reduced, nor the said Haven preserved for the common benefit of the said Port and Town, except certain obstructions, which were in the old course of that River, were removed; and that a new Chanel were made, neer to the same old course; *viz.* from a certain Crosse, belonging to the Hospital of infirm people at **Rumenale** (standing by **Aghenepend**) unto **Effetone**; and from **Effetone** to the house of *william le Byll*, and so to **Welepend**; and thence descending unto the said Port; so that a Sluse be made under the Town of **Apeltre**, for reception of the Salt-water entring into the said River, by the inundation of the Sea, from the parts of **Winchelsea**, and for retaining thereof in it's passage and recourse to the Sea; to the intent that the same water might come together with the fresh water of that River, by the antient course, into the before specified new course; and so by that passage directly to descend and fall into the said Haven. And that another Sluse should be made at **Snergate**, and a third neer to the said Port, where that water might descend into the Sea, for restraint only of the Sea-tide on that part, that it enter not into the said course, but reserving the antient and oblique course from the said Crosse to the before specified Haven.

The King therefore providently desiring the common profit and safe-guard of the said Port, by his Precept[h] dated at **Orford** the *xxi*th of *June*, commanded the said *Nicholas*, that he should repair in his proper person, upon a certain day assigned, unto those parts; together with the Shireeve of **Kent**, unto whom the said King had thereupon sent his Writ; and by the Oaths of *xxiiii* aswel Knights as other free and lawful men of the neighbourhood, by whom the truth might be the better known, to make estimation how much of other mens lands would be necessary to be taken for the making of the said new Chanel and Sluses; and what those lands were worth by the year; and to make speedy assignation to the Tenants of those lands, to the value of the same lands or more, out of the lands or mony of the Barons and honest men of the said Port: as also to remove the said obstructions in the old Chanel; and to make the said new Chanel and Sluses, in the lands of whomsoever it should be requisite, for the common benefit and advantage of the said Port and Town of **Rumenale**, as aforesaid. And the said Shireeve of **Kent** was likewise commanded, that he should dilligently assist and attend the before specified *Nicholas*, in this busines; and to cause the said *xxiiii* Knights and others of the neighbourhood, as aforesaid, to be before the said *Nicholas*, at the same day and place.

h Ibid.

But

But notwithstanding those Ordinances, so made by the said *Henry de Bathe*, for the defence and preservation of this Marsh, and taking distresses for that purpose: And also, notwithstanding the former Precepts from the King to the Shireeve of **Kent**. forbidding him to intermeddle at all with any more distresses so taken (as I have at large already shewed) it appears, that the Shireeve did again make Replevin of some distresses, taken by virtue of those Ordinances: For in 43 *H.* 3. I find[i], that the King issued out another Writ to the said Shireeve, bearing date the *xx*th of *April*, requiring him to return back those distresses, to the end that no more complaint might be made against him upon that occasion, for which he might farther incurr the said King's displeasure.

i Ex cod. MS. penes *Oliv. S. John* Arm. f. 9. a.

To give instance of all the particular persons, who opposed these Ordinances, it would be too tedious, could I exactly do it, I shall therefore here take notice of one only sute in this case, which was commenced by one *Godfrey le Fauconer*, against *Hamon Pitte*, *John Cobbe*, and others, for taking ten Cows by way of distresse, upon his the said *Godfrey's* Mannour of **Hurst**, for his disobedience to the said Ordinances. To which action the said *Hamon* and his Fellow-defendants pleaded, that the said *Godfrey* enjoyed certain possessions, lying in **Romney Marsh**; in which Marsh, all that hold any lands, ought, according to the quantity of their Tenements, to make the Banks and Water-courses, against the Sea and other inundation of water: And that the *xxiiii* men of that Marsh, chosen and sworn by the commonality thereof, ought to make distresses in the same, upon all the Landholders, according to the quantity of their Tenements, whensoever the Banks and Water-courses thereof should stand in need of repair. Which said Jurats (*as the custome was*) because they could not attend it themselves, made choice of the said *Hamon* to take those distresses, and constituted him their Bayliff so to do: And that they have this liberty by the *antient Custome* of the said Marsh, and by the Kings Charter, which they then produced.

k Ib. f. 9. b.

Whereupon they say, that, by reason of the said *Godfrey's* default, that distresse taken for repair of those Banks and Watergangs was justly made: Of which, there were assigned by the said Jurats, three perch and a half at the least, for his proportion in the Bank of **Apuldre**, to be repaired at his costs; and according to the overflowing of the waters, more, if need should be, in divers places: And whether they might not have taken a greater distresse upon him, they appeal to the Country.

They say nevertheless also, that they took upon one *A. B.* a Fermour to the said *Godfrey*, ten Steers and ten Lambs, belonging to *J. N.* Tenant also to the said *Godfrey*, by reason of his default in repairing the said Banks and Watergangs; for which they afterwards made satisfaction, and had their Cattel again. And being questioned for how much he took the first distresse, and for how much the second; he said, that the first default of the said *Godfrey* was estimated at four Marks; and the second at *xlviii*s.

And the said *Godfrey* alleged, that he held those Tenements in the Marsh aforesaid, by the grant of *Henry* sometime King of **England**, Grand-father to King *Henry* then being: And that the same King *Henry* gave them to *William* the Son of *Balderit*, ancestor of the said *Godfrey*, whose heir he is. And that by this grant, both his Ancestors and himself after them, alwayes held their Tenements in the said Marsh, as freely and quietly as the said *Baldric* first held them. And he farther said, that this custome for the repair of those Banks and Watergangs, was never required, neither of his said Ancestors, nor himself, till about five years then last past; that the said *Hamon* was made Bayliff for the custody of the same Banks and Watergangs; nor that they ever made them at any time; and produced the Charter of the said King *Henry* (the second:) And moreover said, that his Ancestors held those Tenements by that feoffment, so freely that they never did any repair to the said Banks nor Watergangs: And that neither he, after he possessed the same lands, nor his Ancestors were ever distrained, till within these five or six years last passed, that the

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ſaid *Hamon* and others took his Cattel. And foraſmuch as they knew who they were that made thoſe diſtreſſes, for that defect in repairing the ſaid Banks and Water-gangs, which neither he nor his anceſtors made, nor were uſ'd to make; he required judgement of their recognition.

Whereunto the ſaid *Hamon* and the reſt replyed, that in former time there was a difference betwixt the Tenants in the ſaid Marſh, touching the repair of the before-ſpecified Banks and Water-gangs: Upon which there grew a ſute in the Country before the Shireeve; wherein the ſaid *xxiiii* Jurats, deeming themſelves wronged, came to the King's Court and complained to the Shireeve; alleging this Plea did not pertain to the Shireeve, to hold: It was therefore determined by the King's Counſel, that the Kings Juſtices ſhould be ſent thither, to ordain and diſpoſe of thoſe differences, according to Juſtice; and, accordingly, *Henry de Bathe* being ſent, all the Tenants of the ſaid Marſh had ſummons of *xl* dayes, as in the *Iter* of the Juſtices. And the ſaid *Henry*, upon his view of thoſe Banks and VVater-gangs, by the conſent & good liking of the whole commonality of the ſaid Marſh, then ordained; that the Arch-biſhops, Biſhops, Abbots, Priors, Earls, Barons, and all the tenãts in the ſaid Marſh, ſhould cõtribute to the repair of thoſe Banks & Water-gangs, according to the quantity of their tenements. VVhereupon, as the ſaid *Godfrey* deſired to be defended by the ſaid Banks & water-gangs, the ſaid *Hamon* required, that he the ſaid *Godfrey* ſhould contribute to thoſe repairs, as it was ordained in the preſence of the ſaid Juſtice: And that there was ſuch an Ordinance, as aforeſaid, he referred himſelf to the Record, in the Rolls of the ſaid *Henry de Bathe*.

And alſo the ſaid *Hamon* further alleged, that of neceſſity the ſaid *Godfrey* ought to contribute to the ſaid Banks, *&c.* Becauſe, that if his land ſhould not be defended by them, it would be wholly drowned & made ſalt. But to this the ſaid *Godfrey* anſwered, that though that Ordinance was ſo made by the ſaid *Henry*, yet he the ſaid *Godfrey* never gave his conſent thereto; and that he was neither ſummoned, nor called to come before him at the making thereof. And moreover ſaid, that neither before the ſame Ordinance, ſo made; nor after, either he or his Anceſtors ever ſo contributed; but alwayes held their land quietly without any exaction at all, according to the Tenor of the before-ſpecified King *Henry's* Charter (Grandfather to the then King *Henry*) untill two years before, that the before-ſpecified *Hamon* and others, took his Cattel: Whereupon he required judgement, whether the ſame Ordinance ought to prejudice him in that behalf.

Howbeit, the ſaid *Hamon*, and others replyed, that he had the common ſummons of *xl* dayes, in ſuch ſort as the whole Commonality of the ſaid Marſh had, whereof he ought not to be ignorant; And thereupon ſaid, that though the ſaid *Godfrey* would not come, as he ought to have done, with his neighbours, he ought not therefore to be free from payment of the before-ſpecified contribution for repair of thoſe Banks; becauſe it conduced to the common profit of all the Tenants in the ſame Marſh; that aſwell his lands, as the lands of the other Tenants, be defended by the ſaid Banks and Water-gangs; whereupon he required judgement. And he alſo ſaid, that after the ſaid Ordinance, the ſaid *Godfrey* and his Tenants gave one Mark towards the repair of the ſaid Banks and Water-gangs, before he the ſaid *Hamon* was Bayliff: And that this he was ready to juſtifie.

To which the ſaid *Godfrey* anſwered, that he held himſelf to the before-ſpecified Charter of King *Henry*; And to the liberty, which he and his Anceſtors had uſed, againſt which no Ordinance, made by the ſaid *Henry de Bathe*, could or ought to do him harm: And ſtood upon it, that neither himſelf, nor any by him, had given ought, either before the ſaid Ordinance ſo made, or afterwards; and that this he was ready to juſtifie.

After which, on the morrow after the feaſt of *S. Martin*, in the *xlii* of *H.* 3, came the ſaid *Godfrey*, *Hamon*, and others: And the Shireeve had command, that he ſhould bring *xii*, aſwell Knights, as others; having no lands in the ſaid Marſh, on the morrow three weeks after *Eaſter*, by whom the truth might be the better diſcovered; to enquire, whether

ther the said *Godfrey* and his Ancestors, after they had their land of **Hurst**, of the gift and grant of the before-mentioned King *Henry*, had wont to repair the said Banks and Water-gangs, together with others that had lands in the said Marsh, and to contribute with them for their repair, when need should require. Whereupon the said *Godfrey*, by a certain Ordinance, in which he acknowledged before the said *Henry de Bathe*, whom the King had sent to that end, that though he gave a Mark to the repair of the said Banks and Water-gangs, before the said *Hamon* was Bayliff of the said Marsh, as they the said *Hamon* and *John* did affirm; yet he appealed, whether himself or his Ancestors, were not quit of the said repairs, and payments thereto by the Charter of King *Henry*, Grand-father to the then King, forasmuch as he did not consent to the said Ordinance, nor ever gave any thing to the repair of those Banks and Water-gangs, as he affirmed.

But the Shireeve, not making his Precept, as above-said, was amerc'd, and another VVrit directed to him, to summon the said *xij* men, to appear, *&c.* the morrow after the Feast of the Holy *Trinity*: At which time the said *Godfrey*, *Hamon* and others, came, and required that judgement should be done, according to the Record and processe upon the before-specified Plea. VVhereupon the Plea was recited before the King and his Council: And because it was found, according to that Record, that the King had sent *Henry de Bathe*, his Justice thereunto assigned, unto the said Marsh of **Romenale**; who determined, that all they that had lands in the said Marsh, ought to contribute according to the proportion of their Tenements, for the repair of the said Banks and VVater-gangs thereof, as the said *Hamon* and others did allege; and to which contribution he the said *Godfrey* said he was not obliged: And that as yet nothing did appear to the King's Court here, of the said Ordinance or Determination, without which of right, there could be no proceeding to Judgement, a farther day was given; *viz.* until the *xv*^me^ of *S. Michael*, that in the mean time, the Rolls of the said *Henry de Bathe* might be lookt into; And that the Plea thus depending, no distresse should be farther made upon the said *Godfrey*. **Romney Marsh.**

At which time, *viz.* in the *xv*^me^ of *S. Michael* in *xliij*° *H.* 3. the said *Godfrey* came, and withdrew his processe against the said *Hamon* and others; therefore, being amerc'd he consented, for himself and his Heirs, that for the future they would repair the said Banks and Water-gangs, together with their neighbours, according to the quantity of their land, as it was the *Custome* of the Country, without any contest, or contradiction, for ever.

And that the said *Hamon* granted and became obliged, for himself and the rest, that he would make a due accomp, before the *xxiiij* Jurats, chosen by the Country, touching the distresses and Catals of the said *Godfrey*, taken from the time of the beginning of the sute, until that present: And deducing so much as should be sufficient to satisfie the said repairs, according to the proportion belonging to the said *Godfrey*, to repay the surplusage of the monv, for the Catals of him the said *Godfrey* so sold. And the said *Godfrey* agreed, that if the said *Hamon*, by his accompt could make it manifest, that the value of the Catals so distrained by him, for the cause premised, would not suffice for his portion, in repair of the said Banks and Water-gangs, according to the quantity of his Land, he the said *Godfrey* would make satisfaction to him of the whole arrerage, from the beginning of the sute, till that present time, according to the view and estimation of the before mentioned *xxiiij* Jurats of the Country.

The next thing memorable touching this Marsh, is, that King *Edw.* the first, by his Letters Patents, bearing date at **Westminster**, the *xx*^th^ of *Novem.* in the *xvi*^th^ year of his reign, granted a commissiō to *John de Lovetot*, & *Hen. de Apuldrefeld*, to view the Banks and Ditches upon the Sea-coast and parts adjacent within the County of **Kent**, in divers places then broken, through the violence of the Sea; and to enquire by whose default this damage had hapned: And, together with the Bayliffs of Liberties, and others in those parts, to distrain all those, which held any Lands and Tene-

[1] Ex præsato cod. MS. fol. a.

ments

Romney Marſh.

ments there, and had or might have defence and preſervation, in any ſort, by the ſaid Banks and Ditches, according to the quantity of their ſaid Lands and Tenements, either by the number of Acres, or by Carucates, for the proportion of what they held, for the neceſſary repair of thoſe Banks and Ditches, as often and where there ſhould be need; ſo that no man, of what condition, ſtate, or dignity whatſoever, who had ſafeguard in any ſort by thoſe Walls or Ditches, whether it were within Liberties or without, ſhould have favour therein: Commanding alſo the ſaid *John* any *Henry*, to behave themſelves ſo faithfully and diſcreetly, in the execution of this buſineſſe, that aſwel the men reſiding in thoſe parts, as their lands, ſhould be ſafe againſt the like dangers, and perhaps worſe; no cuſtome favourably introduced, notwithſtanding. And that of their tranſaction in this imployment, they ſhould diſtinctly and plainly certifie the ſaid King, under their Seales, and the Seals of the Jurats, aſwel Knights as other honeſt and lawful men. Commanding, moreover, his Shireeve of **Kent**, to cauſe ſo many and ſuch perſons of his Bayliwick, to appear before the ſaid *John* and *Henry*, at certain days and places, whereof he ſhould give them notice, by whom the truth in the premiſſes might be the better enquired into and known.

By virtue of which Mandate, the ſaid Shireeve was required to ſummon the *xxiiij* Jurats of the Marſh of **Rumenale**, and all the Lords of the Banks of the ſame Marſh; as alſo ſuch and ſo many honeſt and lawful men, of all the maritime lands in his Bayliwick, by whom the truth in the premiſſes might be the better enquired into and known; and to do farther in the ptemiſſes, as it ſhould be decreed. Who came accordingly. And the ſaid *xxiiij* Jurats of the Marſh before named, together with the Commonality of the ſaid Marſh, ſaid; that King *Henry*, Father of the then King, did by his Charter grant to them certain Liberties, in his own Lands, within the ſaid Marſh: And they therefore required that thoſe their Liberties might be preſerved: As alſo that nothing might be attempted, or decreed in prejudice of their ſaid Liberties, and produced the ſame Charter of the ſaid K. *Henry*.

And they likewiſe ſaid, that K. *Henry*, father to the then King, in the *xlii* year of his reign, by reaſon of a certain controverſie, ariſen betwixt divers men of this Marſh, occaſioned for the repair of the Banks and Water-gangs therein, ſent *Henry de Bathe*, his Juſtice, into thoſe parts, to hear and determine the differences in that buſineſſe, betwixt the *xxiiij* Jurats and the ſame Marſhmen; and to provide for the defence and ſecurity thereof, and againſt the peril of inundation by other waters, in cauſing the Banks and Water-gangs to be repaired, by thoſe who were obliged thereto, for the lands which they held therein, according to the proportion thereof. Whereupon they ſaid, that the ſaid *Henry de Bathe*, by authority of the ſame King *Henry's* Mandate, ordained and decreed for them a certain Law and Ordinance, by which this Marſh was to that time kept and preſerved; and therefore deſired, that they might, for the future, be guided and defended by that Ordinance and Law, as they had wont to be till that preſent time: And thereupon produced the ſaid Ordinance of him the ſaid *Henry*, under the King's Seal.

1 The Ordinances of *John de Lovetot*, and *Henry de Apeltrefeld*.

And becauſe the ſaid Ordinance ſeemed conſonant to equity, and had been to that time approved, command was given, and it was decreed, that the ſame ſhould be in all things obſerved, without diminution: Adding nevertheleſſe, that in regard there was no mention therein of the election of the King's common Bayliff in the ſaid Marſh, how and by whom he ought to be choſen, it was determined, that for the future, upon the deceaſe of the ſaid common Bayliff, or his quitting the Office, another to be choſen, who ſhould reſide and have lands in this Marſh: And that the ſaid election ſhould thenceforth be, by the common aſſent of the Lords of the Towns lying therein, or by their Atturnies; and as the Major part ſhould determine, to ſubmit to that election, becauſe till that time the uſage had been ſo.

Election of the common Bayliff.

2

And touching that double of the coſts, impoſed for repairing the defaults, to be levyed upon thoſe, through whoſe neglect they had hapned; it was decreed that the ſame double ſhould be levyed in ſuch ſort, as by the

the former Ordinance had been appointed; and imployed to the common profit of this Marſh, and not to the behoof of the ſaid Bayliff.

3 *And foraſmuch as there were divers Banks and Water-gangs in the ſaid Marſh, to the maintenance of which, the commonality thereof did not contribute, except only they whoſe lands lay contiguous to the ſaid Banks and Water-gangs: And that ſome, through the oppreſſion of the Lords of the ſaid Marſh, did ſometime pay as much for the repair and maintenance of thoſe Banks and water-gangs, for fourty Acres, as others did for fifty, which was much againſt the law of the Marſh, and the Ordinance of the ſaid* Henry de Bathe: *It was therefore decreed and ordained, that notwithſtanding any Cuſtome, by whomſoever introduced; all and ſingular perſons, who had lands therein, which were ſubject to the danger of the Sea, and had preſervation by the ſame Banks and Water-gangs, ſhould thenceforth be diſtreined for the reparation and maintenance of them; ſo that every man might contribute equally, according to the number of Acres, which they had therein; and that no perſon, be he of whatſoever ſtate or condition, that had preſervation and defence thereby, ſhould be favoured.*

That contribution for the repair of the Banks be equal according to the number of Acres.

4 *And becauſe before that time, in this Marſh of* **Romenale**, *beyond the courſe of the water of that Port, running from* **Sluergate**, *towards* **Romenhale**, *on the Weſt part of the ſame Port, till it come to the County of* **Suſſex**, *there had not been any certain Law of the Marſh, ordained nor uſed, otherwiſe than at the will of thoſe that had lands in the ſame; inſomuch as divers dangers and intolerable loſſes hapned by the Seas inundation: To the end therefore, that the like perils might for the future, be prevented, and the common benefit provided for, it was agreed and jointly ordained; that in the ſaid Marſh, beyond the before-ſpecified Port, towards* **Suſſex**, *there ſhould be Jurats eſtabliſht, choſen by the Commonality, who being ſworn to that purpoſe, for the ſecurity of thoſe parts, having reſpect to the number of Acres, lying ſubject to that danger, and to the proportion of the Banks & Watergangs, to be repaired & ſuſtained there; ſhould, upon their Oaths conſider and ordain how much might be neceſſary for ſuch repair & ſuſtentation; ſo that, according to the portion of their Acres, and value of them, there might be aſſigned in the ſaid Banks and Water-gangs, an equal portion of perches, to be maintained, as it is more fully contained in the Ordinance of the ſaid* Henry de Bathe.

That Jurats be eſtabliſht in that part of the Marſh towards **Suſſex**.

Romney Marſh.

And moreover, foraſmuch as till that time, there had been no common Bayliff conſtituted in thoſe parts, beyond the before-ſpecified Port, towards **Suſſex**, *who ought, for the publick benefit, take care, and provide againſt the perils there hapning, and to prevent the like for the future; it was ordained, that thenceforth there ſhould one common Bayliff be made choice of, in the ſaid Marſhes, beyond that courſe of the water toward* **Suſſex**, *for overſeeing, keeping, and repairing of the ſaid Banks and Water-gangs, in ſuch places and bounds of the ſaid whole Marſh, as ſhould ſeem moſt expedient to all the whole Commonality: As alſo to ſummon together unto places neceſſary, the Jurats of the ſaid Marſh, as often as need ſhould require, for the making of Ordinances and Laws, for preſervation of the lands in thoſe parts; cauſing diſtreſſes to that purpoſe to be made, and levying a double proportion upon ſuch as ſhould make default, according to the tenour of the Ordinance made by the ſaid* Henry de Bathe, *Provided, that at the election of the ſaid Bayliff, when ever it might happen to be, the Lords of the Towns in the ſaid Marſh, beyond the ſaid courſe of the water, towards* **Suſſex**, *ſhould be ſummoned and called, if they would be preſent thereat; as alſo the Jurats and whole Commonality of that Marſh.*

5 As alſo a common Bayliff.

And it was likewiſe ordained, that for the future the King's ſaid common Bayliff in the Marſh of **Romenale**, *ſhould be the Supervifor of the before-mentioned Bayliffs and Jurats in this Marſh, beyond the courſe of the water towards* **Suſſex**; *and that he ſhould ſummon together, to fit places, all the Jurats choſen on both ſides the ſaid courſe of that water, when need required, to make their Ordinances and Laws for preſervation of the ſaid Marſhes; ſo that always, on both parts of that Water-courſe, they ſhould abide by the Ordinances and conſiderations of the ſaid Jurats, as to the prejudice or more ſafeguard of any mans land; notwithſtanding any cuſtome whatſoever: Saving always the tenour of the King's Charter, granted to the Commonality of* **Romney Marſh**, *and the Ordinance of* Henry de Bathe, *ever to remain in full power and ſtrength.*

6 Of which Bayliff and Jurats, the King's common Bayliff to be Supervifor.

Romney Marsh.

m Pat. 18 E. 1. m. 6. in dorso.

Not long after this, there hapned certain differences, betwixt the Master of the Hospital, called **God's house**, in **Dover**, and certain of his Tenants, within the Mannours of **Dunychilde**, and **Estbrigge**, in **Romenale marsh**, touching some Banks and Water-gangs, upon the Sea coast; which the said Master alleged, that his said Tenants, for the antient demesnes belonging to him in those Mannours, as often as need required, should at their proper costs repair and maintain, against the violence of the Sea, and inundations of the Fresh waters: For the hearing and determining of which controversies, according to the Law and Custome of the said Marsh, *John de Lovet*, *Robert de Septvaus*, Master *Thomas de Gudinton*, and *Henry de Appletrefeld*, were by the King assigned. Whereupon, the parties so at difference, weighing all circumstances touching the same, put themselves upon the Inquisition of the Country: But the taking thereof, in regard that the said Master refused, that any persons, residing in the said Marsh, should be admitted thereof; and the said Tenants, not being content with any Foreiners, was delaid, to the great damage of those parts, as by complaint the King was informed: To put, therefore, a speedy end to the businesse, the said King, by his Letters Patents, dated at **Tyvelwell** *xxiiij Sept.* constituted *Stephan de Pencestre*, then Constable of **Dover**-Castle, *Henry de Appletrefeld*, and *Bertram de Tancrey*, his Justices, for to make farther enquiry thereof: But what was done therein, I have not seen.

About four years afterwards, the said King *Edward* the first, taking great care for the defence and preservation of this Marsh; by his Letters patents, bearing date at **Westminster**, *xx April*, in the *xviij*th year of his reign, wherein he hath this observable expression --- *viz. quod cum nos, ratione dignitatis regiæ, & per juramentum astricti sumus, ad providendum salvationi Regni nostri circumquaq*; i. e. *in respect of his royal dignity, and that he was obliged by Oath to provide for the safeguard of his Kingdome round about*; assigned *H. de Apeldrefeld*, and *Bertram de Tancrey*, to oversee the Banks and Ditches upon the Sea coasts and parts adjacent, in the County of **Kent**; which by reason of the roughnesse of the Sea, were in many places broken; and to enquire through whose default that damage had hapned: As also of all those that held lands and tenements in those parts, and had or might have safeguard and defence any manner of way, by the said Banks and Ditches; and to distrain them for the quantity of their said Lands, or number of Acres, or Carucates, according to the portion that they held; together with the Bayliffs of Liberties, and others of those parts, for the repair of the said Banks and Ditches, in necessary places, as often and where there should be need; so that no Land-holder, rich or poor, of what estate, dignity or condition soever he was, in case he had defence and preservation any manner of way, by the same Banks and Ditches, were he within Liberties or without, should have favour in any kind.

n Ex ver. co'. MS. ad Abb. S. *Aug. Cantuar.* quondam spectante; tunc verò penes *Rog. Twysden* Baronettum.

Commanding them, moreover, that in the execution of that businesse they should behave themselves with such fidelity and discretion; that aswell the Inhabitants of those places, as their lands, might be preserved from the like perils, and casually worse; any Custome, through favour, by whomsoever it had been introduced, notwithstanding. And what they should do and ordain therein, to certifie the said King thereof, under their Seals, and the Seals of *xxiiij* aswell Knights as other honest and lawful men, distinctly and plainly. And for their better accomplishment of that businesse, directed his Precept to the Shireeve of **Kent**; appointing him, that at certain dayes and places, of which he was to give them notice, he should cause to come, before the same King's Justices, such and so many honest and lawful men of his Bayliwick, by whom the truth in the premisses, might be the better known and enquired into.

By virtue also of which Mandate, the said Shireeve had command to bring before the said Justices at that time, the *xxiiij* Jurats of **Romene Marsh**, and all the Lords of the Towns therein; and such and so many, honest and lawful men, of all the maritime parts in his Bayliwick, by whom the truth in the premisses might likewise be the better known, and enquired of; and to do farther

ther what ſhould be ordained in the premiſſes.

Which Commiſſioners came accordingly, as alſo the ſaid *xxiiij* Jurats, together with the Commonality of this Marſh; and alleged, that K. *Henry* (the Father of the ſaid King *Edward*) by his Charter granted to them certain Liberties in their Lands within the ſame Marſh; and required, that thoſe their Liberties might be preſerved; and nothing accepted or ordained in prejudice of them; producing the Charter of the ſaid King *Henry*, in which was recorded the Ordinance of *Henry de Bathe*. And, farther, declared their approbation of the ſaid Ordinance, with the additions thereto, in ſuch manner and form, as they had before done in the *xvi*th year of this King's reign, before *John de Lovetot* and the ſaid *Henry de Apeldrefeld*, then the Kings Juſtices, as I have at large already ſhewed; whereunto, for avoiding repetition, I refer my Reader. Adding moreover, by common agreement, to thoſe wholſome Ordinances, theſe enſuing Conſtitutions; *viz.*

The Ordinances of *Henry de Apeldrefeld* and *Bertram de Tancrey.*

1. *That through all other maritime places in the ſaid County, lyable to the danger of the Sea, the River of* Thames, *or any other water, wherein the Marſh Law had not formerly been eſtabliſhed and uſed; and that divers perils through defect of Banks and Water-gangs, had there hapned: Leſt therefore, for the future, the like or worſe might accrue.* 2. *That in every Hundred and Town, aſwell by the Sea coaſt, as bordering on the* Thames *and other waters, in which the Marſh lands are ſubject to inundation, there be choſen and ſworn* xij *or ſix lawful men, according to the largeneſs of the Hundreds or Towns, & who have lands in danger of the Sea, the* Thames, *& other waters: Which men to be aſſigned keepers of the Banks and Water-gangs, in the Hundreds & Towns aforeſaid, who upon their Oath ſhall keep ſafe the ſaid Banks and Water-gangs; and when and as often as need requireth, repair them: As alſo ſhall, in reſpect of the raging of the Sea, raiſe the ſaid Banks higher, by four foot, at the leaſt, than formerly they were, and make them of thickneſs anſwerable to that height.*

3. *For the reparation of which Banks and Water-gangs (when need ſhall ſo require) the charge to be raiſed in manner following;* viz. *That all and ſingular perſons, having lands lyable to the danger, whether ſituate neer or far off, foraſmuch as they have preſervation by thoſe Banks and Water-gangs, they ſhall contribute for the quantity of their Lands and Tenements, either by number of Acres or Carucates, according to the proportion of what they hold; ſo that to no Tenant of theſe Lands or Tenements, be he rich or poor; or of what order, ſtate, dignity, or condition ſoever, either within Liberties or without, any favour ſhall be ſhewed in this matter.* Romney Marſh.

4. *That in every place, for the levying of the ſaid coſts and chardges; and faithfully laying it out upon the ſaid Banks and Water-gangs, two lawful perſons, out of the ſaid ſworn men to be aſſigned; who, together with the Bayliffs of the Liberties, or Lords of the Fee, ſhall make diſtreſſes for the ſame.*

5. *And when the before-ſpecified Banks, ſhall be, according to the Ordinance of the Jurats, ſo repaired at the common chardges; that there ſhall be aſſigned to every man, his peculiar portion of the Bank, by certain places and bounds, to be ſuſtained at his own proper coſts, according to the quantity of his Tenement and number of Acres ſubject to that danger; ſo that it may be known where, and by what places, and to what portion every man is ſo obliged to make defence.*

6. *And if any ſhall be negligent in paying their portions of the ſaid contribution, at the day appointed by the Jurats for that purpoſe; or in his portion for repair of the Banks, that he be diſtrained by his goods and Catalls, whereſoever they ſhould be found, within Liberties or without, till he have contributed his ſhare, and paid his chardge of the ſaid Banks, with double coſts: which double to be reſerved for the common benefit of the like repairs in thoſe parts.*

7. *And that thoſe diſtreſſes ſhall be made by the Collectors of the ſaid coſts, together with the Bayliffs of the Liberties, or Lords of the Fee: And, being ſo made, to be kept for the ſpace of three dayes at the moſt; if they, upon whom they ſhall be made, be ſtubborn or negligent for ſo long time, and then forthwith ſold, in reſpect of the perillous rage of the Sea, imminent.*

8. *And if aſwell the Collectors, as Tenants, ſhall be found negligent in performing the premiſſes; that then every Lord of the*

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Fee, within the compasse of his Fee, shall cause the said Banks and Water-gangs to be repaired, at his own proper chardge; and the costs that he shall be at therein, together with the double thereof, he shall cause to be levyed upon the goods and Catalls of those that are negligent, for his own use.

9. *And that no Shireeve of* **Kent**, *for the time being, or his Bayliff or Officer shall take any distresse, touching the Banks and Water-gangs in any Marshes, nor thenceforth meddle at all; neither with the distresses, taken by the Lords of the Fees, Bayliffs of Liberties, or Collectors of the costs or contributions to the said Banks and Water-gangs; nor distrain them by Writ of Replevin; nor deliver them by surety, or pledge any manner of way.*

10. *And it was also ordained and concluded; that if the Jurats, so chosen for the custody of the Banks and Water-gangs; whether they shall be of this Marsh of* **Romenale**, *or of other maritime Lands, do refuse to come at the Summons of their Bayliffs, for the necessary repair of the said Banks and Water-gangs; they shall, for that their negligence, be punished by their Bayliffs, as in this Marsh of* **Romenhale**, *they had been heretofore accustomed.*

11. *And that the Collectors also of the costs, bestowed in repair and support of the Banks and Water-gangs, after the said repairs are perfected, shall forthwith make their accompt, before the Jurats and Bayliff of that Country, aswell within the Marsh of* **Romenhale**, *as without, of all monies assessed and levyed for the before-specified repairs; as also for the double, whensoever it may fortune to be levyed: And if they shall not so do, then to be distrained by the Bayliffs of the Country or place, to make accompt thereupon: Saving alwayes to the chief Lords of the Fees, their right which they have, and hitherto had wont to have, touching the defence of their Lands, according to their feoffments; & of levying the double, according to antient custome used, as it is contained in the Ordinance of the said* Henry de Bathe.

In testimony whereof, Sir *Walter de Ripple*, and Sir *William de Haute*, Knights; *Adam Wastechar, William Wastechar, William le Ros, Guy de Trulegh, John Amfrey, Peter de Maryns, Thomas le Reade, Thomas Elys, Hugh de Suthlonde, Richard Fon, William Collol, Henry de Bettesangre, Jordan Collol, John atte Ware, Hamon atte Porte, John Sprott, Jacob de Pastre, John de Mossederme, Henry Kenet, Thomas le Frensse, Henry Woodman*, and *William de Mereworth* did put to their Seals.

That the Ordinance of the said *Henry de Bathe*, for preserving this Marsh; as it was in no mean esteem, we see, by all those of the Country, whom it immediately concerned; so had it a high regard with the succeeding Kings of this Realm, as by their Confirmations thereof (of which I shall in due place take notice) will appear. The first of which Confirmations was made by King *Edward* the second, whose Charter [o], for that purpose, beareth date at **Westminster** the *xxiij*th of *November*, 7 *E.* 2. In which he first makes mention of his Grand-father K. *Henry* the 3ds Patent in 36o of his reign; whereby he declareth his Royal pleasure, that no Shireeve of **Kent** shall intermeddle with such distresses as should be taken for the repair of the Banks and Water-gangs of this Marsh. And next in that of 42o which expresseth the occasion of his sending *Hen. de Bathe*, his Justice, into those parts; and at large reciteth the said Ordinance thereupon then made by the said *Henry*. And then concludeth thus; *Nos attendentes, quod impetus maris in partibus illis, plus solito jam accrevit*, &c. i. e. *We therefore, taking into consideration, that the violence of the Sea in those parts, is grown greater than it had wont to be; by reason whereof it's necessary that a more diligent regard should be had, for the reparation of the said Banks; Forasmuch as by a breach in them, though but small, should it happen (as God forbid) an inestimable and irrecoverable losse must needs accrue to us and the men of the said Marsh. Purposing therefore to make prevention of such damage and peril, and to provide for the safeguard of those parts, aswell for our own benefit, as the commodity of the said Marsh-men (as we are obliged to do) we do, for us and our heirs, as much as in us lyes, ratifie and confirm all and singular the things in the said Letters Patents of our said Grand-father, and the before-specified Ordinance contained: Willing and commanding, that no Shireeve of* **Kent**, *or any of his Bayliffs, for the time being, shall of himself at all intermeddle with such distresses, as are or shall be*

[o] Pat. 7 E. 2. p. 2. m. 26.

be made by the direction of the ſaid xxiiij *Jurats: But that ſuch Juſtice, as is to be executed thereupon, ſhall be reſerved to us and our heirs, or to our ſpecial Mandate, as it is before expreſſed in that Patent of our ſaid Grand-father.*

Which King, continuing his mindfulneſſe thereof, by his Letters P Patents, bearing date at **York**, 24° *Auguſti*, in the tenth year of his reign, appointed *Robert de Kendale*; *John Malemeyns*, de **Hoo**; and *William de Cotes* (Gentlemen then of ſpecial note in this Country) to overſee the Sea-banks in this Marſh, ſituate betwixt **Apeldre** and **Romenale**. And in the 17° of his reign, by the like Patent q dated at **Weſtminſter** xx° *Maii*, conſtituted *Edmund de Paſſele*, *John de Ifeld*, and *Robert de Sardone*, his Commiſſioners for the like view of the Banks in ſundry parts of the ſaid Marſh.

p Pat. 10 E. 2. p. 1. m. 23. in dorſo.

q Pat. 17 E. 2 p. 2. m. 12. in dorſo.

The next year following, there having been a complaint made to the King, that by reaſon of a certain Trench, made betwixt **Apeldre** and the Port of **Romenhale**, very many diſcommodities and loſſes dayly befell the Country adjacent: Whereupon he aſſigned r the before-ſpecified *Edmund* and *John*, together with *William de Cotes*, to enquire by the Oaths of honeſt and lawful men of theſe parts, by whom the truth in the premiſſes might be the better diſcovered, who they were that made that Trench, and when and for what cauſe; as alſo how, and in what manner: And moreover, what diſcommodity & damage had happened by means thereof, and to whom, and in what ſort. But being afterwards advertiſed, that there was ſo great a diſſention riſen, betwixt his Barons of the Cinq; Ports, and the Commonality of **Romenale Marſh**, by reaſon thereof, that both ſides were preparing to fight it out, if there ſhould be any farther proceeding in that Inquiſition; which, as it would occaſion much terror to the people thereabouts, ſo might it not a little hinder that warlike expedition, which the ſaid King then intended. Conſidering therefore the need that at preſent he had, of the ſervice of his faithful Subjects, aſwell by Land as by Sea; and being deſirous to his utmoſt power, to provide for their unity and peace, by his ſpecial Precept s, bearing date at **Guldeford** 6° *Aug.* he commanded the before-ſpecified *Edmund*, *John* and *William*, for the cauſes above expreſſed, to ſuperſede the taking of that intended Inquiſition, until they ſhould receive his farther commands therein. Which ſtop in that buſineſſe laſted not long: For at the beginning of the next *February*, the King granted out a new Commiſſion t to them, for to proceed forthwith therein.

r Clauſ. 18. E. 2. m. 38.

s Ibid.

t Ibid. m. 19.

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In the ſame year, it ſeems that the Banks in this Marſh, betwixt **Tyd** and **Dengemareys** were broke; for in the moneth of *June* enſuing, I find, that the ſaid King iſſued out his Commiſſion u to *Henry de Shardon*, *Thomas de Feverſham*, and *William de Roberts brigge*, for the viewing and repairing of them.

u Pat. 18 E. 2. p. 2. m. 3. in dorſo.

That greater care and regard could be, than appears by what I have already inſtanced, to have been taken, in the regulation of all things, tending to the ſafeguard of this Marſh, cannot (I preſume) be well imagined: Nevertheleſſe, ſuch is the pravity of ſome ill-diſpoſed men, who chiefly mind their particular gain, though it be by cheating the publick; that were it not for a ſtrict watch over them, all good order would be ſubverted, and little elſe but couſenage, if not rapine practiſed, inſtead thereof, as we ſhall find by the doings of ſome, who were imployed with the levying and collection of moneys, to the repair of the Banks and Water-gangs of this Marſh: Who, moſt unconſcionably, and againſt the truſt repoſed in them, made uſe of thoſe Sums, ſo gathered, to their own private uſes; inſomuch as complaint thereof was made to the King in 5 *E.* 3. Who thereupon gave commiſſion w to *William de Clinton*, *Raphe Sauvage*, and *Thomas de Feverſham*, to enquire into the particulars thereof.

w Pat. 5 E. 3. p. 2. in dorſo m. 19.

Which King, out of the like tender reſpect to the preſervation of this Marſh, 7 E. 3. as his Father and other his Anceſtors had, by his Leters x Patents, bearing date at **Weſtminſter** 28° of *Novem.* in the ſeventh year of his Reign, wherein he recited that famous Ordinance, made by *Henry de Bathe* (of which I have ſo often made mention) added his Royal Confirmation thereof. And afterwards, at ſundry times, as occaſion required, granted his Commiſſion to ſeve-

x Pat. 14 R. 2. p. 2 m. 38. per inſ. ex.

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ral persons of quality in the said County of **Kent**, for the overseeing the said Banks and Water gangs, and taking care for their necessary repair, as by the enroulments of them appeareth; *viz.*

y Pat. 13 E. 3. p. 1. m. 22. in dorso. in *April* 13 *E.* 3.[y] to *Thomas de Brockhill*, *William de Oralston*, *Robert de Sharden*, and *Geffrey de Basham*, for those Banks, *&c.* upon the Sea-coast in the Marsh of **Lude**, neer **Romenhale**. And

z Pat. 13 E. 3. p. 2. m. 18. in dorso in *Octob.* following, to[z] the same *Thomas*, *Geffrey*, and *James de Echyngham*, touching those which lay betwixt the Town of **Romne**, and a certain place called **Longerake**; and betwixt the Church of **Lyde** and the Sea, within the Town of **Lyde**.

a Pat. 18 E. 3. p. 2. m. 49 in dorso. In *June*, 18° *E.* 3. to[a] the same *Thomas de Brokhull*, *John de Erde*, *Thomas de Rethelin*, and *William Alleyn* of **Brokeland**, for those in **Romenhale Marsh**.

b Pat. 21 E. 3. p. 1 m. 25 in dorso. In *March* 21° *E.* 3. to[b] the same *Thomas*, and *Thomas de Gillingham*, *Stephan Donet*, and *Stephan de Horsham*, for the same Banks.

c Pat. 22 E. 3. p. 1. m. 14. in dorso. In *April* 22° *E.* 3. to[c] *James de Echingham*, *Thomas de Broxhill*, and the rest last mentioned, the like. So also in

d Pat. 22 E. 3. p. 1. m. 17. in dorso. [d] *July* following, to *William de Broclond*, *Stephan de Horsham*, *Richard de Morton*, and *William Waschare*.

But notwithstanding that wholsome Ordinance, so often mentioned, and the several confirmations thereof; I find, that *Simon Islip* Archbishop of **Canterbury**, with other Land-holders within this Marsh of **Romene**, made a grievous

e Ex cod. MS. penes *Olv. S. John* Arm. f. 12. b. complaint[e] to the King in 33 *E.* 3. that whereas all those their lands lay bordering to the Sea coast; and without the continual support of the Banks, Gutters, Ditches, and other Mounds, aswel for excluding the Sea, as for the voiding out of the fresh waters, there made, they could not by any means be defended and preserved. Farther shewing; that for the safeguard thereof, it was in the time of King *Henry*, sometime King of **England** (Ancestor to the said King *Edward* the 3d) ordained by *Henry de Bathe*, and his Fellows, Justices of the said King, for that purpose; that whosoever being Tenant and resident within that precinct, whom the greater part of the Lords of the Towns therein situate, should choose, ought to be the Bayliff to levy the Taxes, assessed for reparation and maintenance of the said Banks, as in the said Ordinance more fully may appear. And, that though in pursuance of those Ordinances, one *John atte Lose*, a Tenant and resident within the said Marsh, had been elected and deputed to the Office of the said Bayliff, for levying of the said Taxes, by the Lords of this Marsh, in form aforesaid: Nevertheless one *Matthew at More*, and other his Complices, having confederated themselves together by false contrivance, to constitute another Bayliff there, in favour to his friends, and to lay load unjustly upon others, contrary to the before-specified Ordinance; did so terrifie the said *John*, by grievous threats, and otherwise hinder him, that he neither would or durst take upon him that Office, according to the said Ordinance; So that by reason of the said Bayliffs default, all the before-specified Marsh, being dayly lyable to be overflown, was in danger to be destroyed, without speedy remedy were had.

The said King therefore, taking this complaint into mature consideration; for prevention of that imminent mischief, granted his Royal Commission[f], bearing date at **Westminster**, 17° *Febr.* in the same thirty fifth year of his reign, to *Thomas de Lodelowe*, *Robert Belknap*, and *Thomas Colepepir*; appointing them, or any three or two of them, aswell to oversee the said Banks, Gutters, *&c.* and cause them to be repaired, as to take a view of the said Ordinances: And in case they should find them any way defective, as to the defence of the said Marsh against those inundations, then to correct and amend them; and, if need were, to make a new Ordinance, to direct how the same Marsh might be better defended and preserved against the said waters, upon any chance that should thenceforth happen: And to decree certain strict punishments against all such as should transgresse the said Ordinances so to be made by them the said *Thomas*, *Robert*, and *Thomas*, or any two of them. And moreover, to cause Proclamation to be made, all about in those parts, for the perpetual observance of them: And likewise to do all other things for the safeguard and defence of the said Marsh, in exclusion and evacuation

f Pat. 35 E. 3. p. 1. m. 6. in dorso.

ation

ation of those waters, as should be necessary and fit. And lastly to enquire by the Oaths of honest and lawful men of that Country, of all the confederacies and practices before specified; as also of such trespasses and contempts, as had been made against the said King, by the before-mentioned *Matthew* and his Complices.

g Adhuc ex præf. cod. MS. penès præf. *Oliv. S. John.* Et ex ver. cod. MS. penès *will. le Neve* Clar. Regem Armorum. an. 1640.

By virtue of which Precept[g], the said *Thomas*, *Robert*, and *Thomas*, being met at **Crowethorne**, the Monday next after the Feast of the Translation of S. *Thomas* the martyr, in the year abovesaid; by the consent of the Lords of the Towns, the Bayliff, *xxiiij* Jurats, and Commonality of the said Marsh; *viz.* by *John Franceis*, Attorney to *Simon* Archbishop of **Canterbury**; the Abbot of S. *Augustines* in **Canterbury**; the Prior of *Christs-Church* in **Canterbury**; *Simon*, Master of **Gods-House** in **Dover**; *Edmund Staplegate* Lord of **Nether-Billyngton**; and other Lords to this purpose specially elected, with certain also of the Commonality; *scil. William de Echyngham*, *Stephan de Valeyns*, *&c.* chosen likewise for the said Commonality, *did ordain*[h] *and appeint*, 1. *that the common Bayliff of the said Marsh, who hath lands and residence therein, should be elected by the publick consent of the Lords of the Towns of the same Marsh, or their special Attornies: And where the greater number consenteth, the choice to stand: which election to be made at* **Demecherche** *or* **Newecherche**, *or some other fit place, within the compasse of the said Marsh, in the* xvme *of S.* Michael, *yearly, upon summons of the before-specified Bayliff; except upon necessity and reasonable cause, the said Bayliff ought to be removed, within that year, and another put in his place.*

h Ibid.

The Ordinances of *Thomas de Lodelowe* and his associates.

Choice of the Bayliff.

Penalty for refusal.

2. *And if the person so elected, shall be present, and refuse to undergo the said Office, that he be forthwith amerc'd in* xl^s^. *to be levyed by the succeeding Bayliff, upon his Goods and Catals, for the common benefit of the said Marsh: And so forthwith a new choice to be made of another Bayliff, who will undergo the Office, and take his Oath, and receive for his Fee the double of all the money assessed upon any whomsoever, for their negligence. And if the person so elected, shall be hereafter hindered by any man, so that he dare not undergo the Office, that then the parties so hindering him, to be severally punished by the said Electors, in such sort as the said Bayliff should have been punished, if he had refused to take his Oath, and to bear the same Office.*

The Bayliffs Fee.

Romney Marsh.

3. *And if it happen, that he that shall so be chosen, be absent at the time of election, all his Goods and Catals to be forthwith distrained, by the preceding Bayliff of the Marsh, and impounded in fit and wonted places; and there detained until he shall repair to the Arch-bishop of* **Canterbury**, *Abbot of S.* Augustines, *and Prior of* Christs-Church, *for the time being, or to one of them; and admit of the said Office and take his Oath; and thereupon carry to the preceding Bayliff his Letters sealed: And this he shall do within six dayes next after the election made; and if he do not, then to be punished as aforesaid, and a new election to be presently made.*

How the person elected, being absent, shall be compelled.

4. *At which principal Last, if the said common Collectors of all the former general Taxes, will be present, they shall make their accompt to the Bayliff,* xxiiij *Jurats and Commonalty of the said Marsh: Which accompt to be written by Indentures, made betwixt them and the Bayliff,* xxiiij *Jurats and Commonalty of the said Marsh. And after the same manner shall the Bayliff make his accompt of those things, which belong to him to reckon for.*

That the Collectors and Expenditors do make accompt of their receipts

And if any of the xxiiij *Jurats, do make default in the said principal Last, except he have a reasonable excuse, he shall be amerc'd in* xii^d^ *to be levyed by the Bayliff, to the use of the Commonalty.*

How those that are absent in the Last, shall be amerced.

5. *And if it happen, that any of the* xxiiij *Jurats do depart within the year, or ought to be removed, that then another be made choice of in his place, and put in the said principal Last, by the Lords of the Fees, Bayliff,* xxiiij *Jurats and Commonalty, of the most faithful, discreet and wealthy men of the said Marsh, to the number of* xxiiij *compleat.*

The choice of the Jurats, Collectors & Expenditors.

6. *In like sort it shall be done touching the Collectors and Expenditors, so that they be not chosen out of the said* xxiiij *Jurats, if the said Lords will be there. And if the said* xxiiij *Jurats, Collectors or Expenditors, shall be chosen and will not take his Oath, he shall be amerc'd in* xx^s^. *to be levyed as aforesaid; and forthwith another chosen in his place, and receive the chardge.*

The penalty of the Jurats, elected refusing.

And

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The penalty for their not appearance at the Last.

7. *And if the before-specified* xxiiij *Jurats, shall be summoned whereſoever, within the precinct of the ſaid Marſh, to the common or ſeveral Laſt, where no more than eight or ten, at the moſt, do come; by reaſon whereof there can be no Judgement and Decree made for the ſafeguard of the ſaid Marſh, conſidering the abſence of the greater number; that then every abſent perſon ſhall be amerced by the Bayliff in* vi^{s} *to be levyed as aforeſaid; whereof the ſaid Bayliff ſhall make accompt in the principal Laſt.*

The Oath of the Jurats.

8. *Alſo every one of the* xxiiij *Jurats ſhall ſwear, that he will, together with his fellows, juſtly make all Judgements and Decrees, not favouring rich or poor, either in making diſtreſſes, or in what concerns the Banks, Land-eas, Water-gangs, Sewers, Ditches, and Gutters; or the removing of Bridges and other impediments whatſoever, within the precinct of the ſaid Marſh, and puniſhing of Treſpaſſers. And that they be obſervant to the Bayliff of the ſaid Marſh, for the valuing and ſelling of the diſtreſſes, taken and impounded for three dayes or more in the places accuſtomed. And that they cauſe all the Judgements and Decrees, by them made, to be enrolled, and thereof an Indenture to be made betwixt them and the men of the ſaid Marſh, for the time being.*

That they be obſervant to the Bayliff.

The Oath of the Collectors and Expenditors.

9. *Likewiſe the Collectors and Expenditors, choſen as aforeſaid, ſhall ſwear, that they will faithfully levy, collect, diſburſe and make accompt of all the Taxes and Aſſeſſments, made by the Lords, Bayliff, and* xxiiij *Jurats, or the greater part of them. And the ſame courſe ſhall be obſerved in all the Water-gangs, within the precinct of the ſaid Marſh, and before every of the Lords of the Towns, if they will be preſent thereat.*

The Oath of the Bayliff, & his making Execution.

10. *Alſo the Bayliff ſhall ſwear, that he will make faithful execution of the Judgements and Decrees of the before-ſpecified* xxiiij *Jurats; and of thoſe things, which do pertain to them, to judge and determine of. As alſo, that in his proper perſon, he will chardge upon all the Collectors and Expenditors, by Oath, that they ſhall faithfully levy, collect, diſburſe and accompt for, aſwel all general Taxes, as ſeveral Water-gangs ſo aſſeſſed, as aboveſaid. And that he will, in perſon, take view of all the Banks, Land-eas, Water-gangs, Sewers, Gutters, and Bridges, when need ſhall require; at leaſt twice in the year;* viz. *once in the month of* January, *and afterwards in the moneth of* June. *And that he will deliver unto his ſucceſſor, all the evidences, which he hath in his cuſtody; aſwell the Charters of the Kings of* **England**, *concerning the Liberties and Cuſtomes of the ſaid Marſh; as the Roules of Judgements, Decrees and Awards, made by the ſaid* xxiiij *Jurats; with every proceſſe of accompts of the Collectors and Expenditors, whatſoever, done in their times. And the Clerk of the ſaid Bayliff, ſhall have for his Fee, from the Commonality of the ſaid Marſh,* vi^{s}. viij^{d}.

The Fee of the Bayliffs Clerk.

11. *Moreover, it ſhall not be lawfull for any man, thenceforth, to make any Dams or Fords, or other impediments, in any Land-eas, Water-gangs, Ditches, or common Water-courſes in the ſaid Marſh, whereby the right courſe of the waters, may in any ſort be hindred. And if they ſhall ſo do, and teſtimony given thereof, by the Baylik, and ſix of the Jurats, or the Commonality of the Water-courſe, where ſuch danger ſhall be made; he ſhall be forthwith amerc'd, according to the proportion of his offence, by the ſaid Bayliff and* xxiiij *Jurats; which amercement to be likewiſe forthwith levyed, to the common benefit, as aforeſaid. And nevertheleſſe, if any other, than the Commonality, ſhall receive damage by that means, and that proof be made thereof, by the teſtimony of the Bayliff and ſix Jurats, ſatisfaction ſhall be made to him for the ſame.*

That no Dams or Fords ſhall be made.

12. *Likewiſe they did ordain and appoint, that every Tax aſſeſſed in the ſaid Marſh, ſhould be proclaimed in certain publick places; and a day of payment thereupon aſſigned: And this Proclamation to be ſo made, that no man might plead ignorance, as to the time and place he ought to pay it at.*

That Proclamation be made of the Tax aſſeſſed.

13. *And they did farther ordain and decree, that every Acre, for the Banks, in Ditches, and Water-gangs, be bought for* xl^{s}. *and that it ſhall not be lawful for any man, to draw away any workmen, being in the publick work, for his own private imployment; nor to take them to any other place, till that work be perfected: And if any man ſhall be found faulty therein, by the teſtimony of the Bayliff, or Jurats, in the common Laſt, he ſhall be amerc'd in* x^{s}. *to be forthwith levyed by the ſaid Bayliff, to the common benefit, as aboveſaid.*

Price of the Acres for the Banks.

Workmen not to be drawn away.

14. *Alſo they ordained and decreed, that all the Water-courſes within the ſaid Marſh, by*

How the Chanels ſhall be kept.

How the Chanels shall be kept.

by whatsoever Lands and Tenements, in each Chanel be so kept, that the water shall not run out of it's right course, to the damage of any man; upon penalty of the value thereof, to be levyed by the said Bayliff, for the behoof of the Commonalty, when any shall be found guilty thereof, in the common Last, by the testimony of the Bayliff and six Jurats.

The Bayliff and Jurats to have their chardges, in going to other places.

15. *And because, of antient time, it was appointed by the King, that all the maritime Lands, from the Isle of* Thanet, *unto* Pevenese, *aswell in the County of* Kent, *as County of* Sussex, *should be governed by the Laws, Ordinances, Statutes and Customes of the said Marsh of* Romene; *it shall be lawful to the said Bayliff and* xxiiij *Jurats, to require and have his reasonable chardges, of those which shall have a mind to bring them to the places (be they Lords, or of the Commonalty) where they ought to make their Ordinance, according to the maritime Law, aswell in the Banks as Water-gangs, Gutters, Sewers, and Fishings; and other things whatsoever touching that Law.*

Penalty for such as shall rescue any distresse.

16. *And lastly they ordained and decreed, that if any person should make a rescue from the Bayliff of the Marsh, or his Officers, of any distresse whatsoever, taken by any of them, by virtue of the before-specified Articles, or any Ordinance made, or to be made, for the benefit of the said Marsh; and thereof to be found guilty by the testimony of the said Bayliff, and six or eight of the said* xxiiij *Jurats; or of the Water-course, where the distresse shall fortune to be taken, he shall be amerc'd in* xl^{s}. *to be levyed to the Bayliff, for the use of the Commonalty, as aforesaid. And in the same manner it shall be done in those places, where the maritime Law is used, within the Isle of* Thanet *and* Pevenese, *whether in* Kent, *or* Sussex.

After this, I have not met with any thing else, of this Marsh, worthy the observation, untill the 43° *E.*3. that the before-mentioned *Thomas de Lodelowe*; as also *Robert Belknap, John Woodhall, Roger Dygge, William Topclive*, and *William Horne* were constituted [i] Commissioners for oversight of the Banks and Ditches therein. Nor from that time till 48 *E.*3. that *William Latymere*, Constable of Dover Castle, and Warden of the Cinque Ports, *Thomas Reynes*, then his Lieutenant, *Roger Dygge*, and some others, were assigned [k] by the King, to view the Banks, Water-courses &c. thereof, lying betwixt the Towns of Hythe and Newendon. By which Commission they had power to impresst so many Carpenters and other Labourers, as they should deem necessary for the accomplishment of the work in hand, wheresoever they could be found, within the County of Kent.

i Par. 43 *E.*3. p. 1. m. 30. in dorso.

To King *Edward* the 3^{d} succeeded *Richard* the 2^{d}, in the first year of whose reign, it appears that *Richard de Horne, Stephan Wettenham, John Franceys*, and *Hamon Wodeman*, were put in Commission, [l] for to supervise the Banks in this Marsh, from the Town of Hythe, all along the Sea-coast unto Apuldre; as also in other Marshes within this County; *viz.* from the Haven of Romney, to Promhill Church; and thence by the Sea coast to Apuldre before mentioned; they being at that time in decay, in sundry places thereof. Which King (*viz. Richard* the 2^{d}) out of his special care also for the safeguard of this Marsh, having viewed the Charter of his Royal Ancestor King *Edward* the first; wherein aswell that of King *Henry* the 3^{d} (whereof I have taken notice in it's due place) as that memorable Ordinance of *Henry de Bathe* (likewise before repeated) are recited; did not only make Confirmation of them both; but farther, out of his Princely favour, by the assent of his Councel, at the request of the Inhabitants of the said Marsh, granted [m] for himself and his heirs, to the Bayliff and *xxiiij* Jurats, which then were, and that thenceforth should be; that they, as also their heirs and successors, should for ever have this Liberty; *viz.* they and every of them, to be exempt from serving at any Assizes, on Juries, Inquisitions, or Recognitions, aswell within this County of Kent, as out of it; excepting in what should relate to the said King, or his heirs. And that they, nor any of them should be Shireeve, Eschaetor, Bayliff, Collector of Tenths or Fifteens, or of any other Subsidy, Chardge, Tax, or Tallage, to be granted to him the said King, or his heirs; or any other Officer or Minister to him or his heirs aforesaid, against their own good will, during the time that they or any of them

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k Par. 48 *E.*3. p. 1. m. 30. in dorso.

l Par. 1 R. 2. p. 1. m. 23. in dorso.

m Par. 14 R. 2. p. 2. m. 38.

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should be in the said Office of Bayliff, or one of the Jurats aforesaid. And the reason of this his Royal grant; for such immunity, he there declareth; *viz.* that by their absence, the whole Marsh (as he had been informed) might be overflown in a very short time; and so, utterly lost and destroyed, to the infinite peril and damage of all his liege people in those parts.

In like manner, and with the like recitals, at large, did King [n] *Henry* the 4th and King [o] *Henry* the sixth confirm the said Charter of King *Henry* the 3d, and the so often mentioned Laws and Ordinances of *Henry de Bathe*, concerning this Marsh: Adding the like Liberties and Privileges, as King *Richard* the second by his Charter, last before observed, did.

n Pat. 10 H. 4. p. 1. m. 17.
o Pat. 8 H. 6. p. 1. m. 21.

Which said Laws, with all others relating to this Marsh, as also the Customes thereof, were grown at length so famous; that the said King *Henry* the sixth, in the 6th year of his reign, by [p] the advice and assent of the Lords spiritual and temporal, and at the special instance of the Commons of this Realm, then assembled in his Parliament holden at **Westminster**, having considered the great damage and losses, which had often hapned, by the excessive rising of waters in divers parts of the Realm; and that much greater was like to ensue, if remedy were not hastily provided: And thereupon ordaining and granting, that for ten years then next ensuing, several Commissions of Sewers should be made to divers persons by the Chancellor of **England**, for the time to come, in all parts of this his Realm, where should be needful (the form of which Commission is there recited) amongst other things gave unto the said Commissioners special power and direction, by that Act, *to make and ordain necessary and convenable Statutes and Ordinances, for the salvation and conservation of the Sea-Banks and Marshes, and the parts adjoyning, according to the Laws and Customes of* (this) **Romney Marsh.**

p Inter Statuta de an. 6 H. 6. Cap. 5.

And after the expiration of the said ten years, by Act [q] of Parliament in 18 of his reign, continued the same form of Commissions. So also in [r] 23. The like did [s] K. *Edw.* the 4th in 12° of his reign, and K. *Henry* [t] the 7th in [t] 4° of his.

q 18. H. 6. cap. 10.
r 23 H 6. c. 9.
s 12 E 4. c. 6.
t 4 H. 7. c. 1.

And now having thus manifested, how great a care and regard the successive Kings of this Realm, had, for divers ages, of this famous Marsh; I will cloze up what I have farther to say thereof, with that notable Charter of King *Edward* the 4th bearing date at **Westminster** 23° *Febr.* in the first year of his reign; whereby he incorporated the Bayliff, and Jurats thereof; the tenor whereof is as followeth; *viz.* That whereas he the said King, held himself obliged to take care of the defence of this his Realm, and his loyal Subjects thereof, from what place soever; especially those who lay neerest to the first assaults, and attempts of his Enemies. And considering, that many Towns and places, situate neer the Sea, had been laid waste by the spoils and burnings of the said Enemies; and through the affrights of the Inhabitants, who thereupon forsook them, left unhabitable and desolate: Thinking it therefore most necessary, to repair the said Towns and places, or to new build others neer unto them; and being so built to endow and arm them with Liberties and Privileges; that being so fortified, they may, by the peoples recourse to them, be made more powerful and strong, for the better safeguard of the whole Country. And considering that in this Marsh of **Romney** in the County of **Kent**, which is situate neer to the Sea, there was not at that time such a plenty of people and inhabitants, as were wont to be: But were it better defended, there would a much greater confluence resort thereto, and dwell therein, for the more safeguard of the whole Country, as he the said King had been informed from the credible relation of the Inhabitants of the said Marsh, and other parts adjacent.

Taking therefore the premisses into consideration; of his special grace and favour, at the instant request of all the Commonalty and Inhabitants within the said Marsh, as also for the preservation thereof, and more security of the adjacent Towns, he gave and granted to the said Inhabitants residing within the limits and bounds thereof, that they should be one body in substance and name, and one Commonalty perpetually incorporate of one Bayliff and *xxiiij* Jurats

Jurats, and the Commonalty of the ſaid **Romeney Marſh** in the County of **Kent**, for ever. And that the ſaid Bayliff, Jurats, and Commonalty ſhall have a continual ſucceſſion, and they and their ſucceſſors for ever called, termed and named by the name of the Bayliff, Jurats and Commonalty of **Romeney Marſh** in the County of **Kent**. And that they and their ſucceſſors ſhall be perſons proper and capable in Law to purchaſe Lands and Tenements, and other Poſſeſſions whatſoever, to themſelves and their ſucceſſors, to enjoy in Fee and perpetuity. And that that they ſhall have a common Seal for their affairs and buſineſſes, relating to them the ſaid Bayliff, Jurats, and Commonalty, and their ſucceſſors: And ſhall plead and be impleaded, anſwer and be anſwered, by the name of the Bayliff, Jurats and Commonalty of **Romeney Marſh**, in the County of **Kent**, in every of the ſaid King's Courts, and the Courts of his Heirs and Succeſſors; and in all other Courts and places whatſoever. Which ſaid Bayliff and Jurats, to be elected in like manner and form; as alſo exerciſe their Offices, and be diſplaced from them, as heretofore it was wont and accuſtomed to be in the ſaid Marſh.

And moreover, that the ſaid Bayliff, Jurats and Commonalty, and their Succeſſors ſhall have a certain Court before them the ſaid Bayliff and Jurats of the ſaid Marſh, for the time being, at ſome certain convenient place within the ſame, to be held from three weeks to three weeks for ever. And have full power and authority, to hear and determine in the ſaid Court, by Bills of complaint therein; all and ſingular Pleas of Debts, Accompts, Covenants, Contracts, Treſpaſſes, by force and Arms, or otherwiſe in contempt of the ſaid King, or his Heirs; with many other Liberties and Privileges, of which for brevity I omit the rehearſal; referring my Reader to the Record * it ſelf, if he deſire to be farther informed therein. **Romney Marſh.** Pa. 1 E. 4. p. 2. m. 3.

And likewiſe the ſaid King, for himſelf and his Heirs, then granted to the ſaid Bayliff, Jurats and Commonalty, and their ſucceſſors, that they ſhall from time to time have power to make reaſonable Ordinances and Conſtitutions of good credit, and conſonant to reaſon, for the common good of the ſaid Marſh; as alſo for the ſound and wholſome Government thereof; and for the common profit of the Inhabitants and reſidents therein; to make uſe of them and put them in execution, within the bounds and limits thereof: And likewiſe to change them and every of them, for ever, as they ſhall ſee beſt. And that the ſaid Bayliff, Jurats, and Commonalty, and their ſucceſſors, for the neceſſities and profits relating to the ſaid Marſh, ſhall amongſt themſelves aſſeſs and levy Taxes, and lay impoſitions upon the Goods, Lands, Tenements, and Merchandizes of the Inhabitants and reſidents, being within the bounds and limits of the ſaid Marſh; and otherwiſe, as it ſhall ſeem beſt to them, without the let; or impediment of the ſaid King or his heirs, or his or their Juſtices, or other their Officers whatſoever.

And moreover granted to the ſaid Bayliffs, Jurats and Commonalty, and their ſucceſſors, that none of them, or of their heirs and ſucceſſors, thenceforth ſhould be put or impanelled in any Aſſizes, Juries, Recognitions, Attaints, or any other Inquiſitions whatſoever, out of the bounds and limits of the ſaid Marſh; nor to be compelled to go out of thoſe bounds or limits, to travail on any Juries, Inquiſitions, Aſſizes, Recognitions, Attaints, or matters whatſoever, though they concern the ſaid King, or his Heirs. Nor that any of them ſhall be made an Aſſeſſor, Taxer, or Collector of Tenths, Fifteens, or any parcell thereof; or of any other Chardge, Subſidy, Tallage *&c.* whatſoever,

CAP XII.

HAving now done with **Romney marsh**, I come to **East Kent**, in which the first thing observable (wherewith I have met) is, that the K. *Edw.* the first, by his Letters[a] Patents, bearing date at **Westminster**, *xvi° Maii*, in the thirteenth year of his reign; making mention, that he had granted license to his Barons of **Sandwich**, for the digging of a certain Trench, over the lands, lying betwixt **Sefflinge**, and **Stonflete**; and from **Stonflete** to the said Town of **Sandwich**; to the intent that the passage of the water called **Northbroke**, which was at **Sefflinge**, should be diverted; so that it might run to **Sandwich**, for the perpetual commodity of that Town, and his Barons thereof; he the said King assigned *Solomon de Rochester*, and *Roger de Norwode*, to enquire by the Oaths of honest and lawful men of the County of **Kent**, in what place the said Trench, and over whose lands, and to the least damage of the said Landholders, it might be most fitly made: As also to provide and take care, that the same Trench, and turning of the said water, should be so done, that the owners of those Lands, over which it was to passe, might be satisfied for the hurt they should receive thereby, before the work was begun.

[a] Pat. 13 E. 1. m. 19. n dorso.

About three years after, the said King directing his Precept[b], dated at **Tuttebury**, the *xvij*th day of *November*, in the 16th year of his reign; unto *Edmund de Passele*, *John de Ifelde*, and *Stephan de la Dane*; and therein expressing, that by reason of the defect in repair and support of the Banks, Ditches, *&c.* on the Sea-coasts, and adjacent Lands, lying in the parts of **East-Kent**; very great damage, through the violence of the Sea, and overflowing of the fresh waters, had hapned; and that greater would ensue, unlesse some speedy remedy were applyed: for prevention thereof he constituted the said *Edmund*, *John* and *Stephan*, his Justices, to supervise and take care thereof.

[b] Ex ver. cod. MS. in bibl. *Cotton* [sub effigie *Cleopat.* E. C. 7.] f. 45. a.

Item ex ver. cod MS. penes *Rog. Twysden* de East-Peckham in com. Kanc Baronettum. p. 223.

By virtue of which Precept, the Shireeve of **Kent** was commanded to bring before the said Justices, at a certain day and place, *xxiiij* aswell Knights as other honest and lawful men, of the Vicinage of **Monketone** and **Menstre**, (in the Isle of **Thanet**) and to enquire of the premisses. At which day he, accordingly, returned his Writ, and brought before them, *John Fryday*, *Roger Belringer*, and others; who being sworn to take view of the defects in those Banks, Ditches, Gutters, and Sewers, in the Marshes of **Monketone** and **Menstre**, and to certifie unto the said Justices, through whose default those damages had hapned: they answered, that they knew not, except it were by the boysterousnesse of the Sea, and the flouds of fresh waters. And being asked when the said Banks and Ditches were so destroyed, and who ought and had wont to repair them? They said upon their Oaths, that when the Seabank was new made, all the men that had lands, lying within the danger of inundation; whether they were neer or remote, and who had preservation by the same Bank, did contribute, according to the proportion of what they held, for a certain time, to the making and reparation thereof. And after the making and first repair of the same; those then, who had lands adjacent thereto, did, at their own costs, repair the same defects, which afterwards hapned, and not any others.

And having perused the Ordinances of Sir *Henry de Bathe*, *John de Lovetot*, and other Justices their associates, which were approved and confirmed by the King;

King; in which Ordinances it was expreſly contained, that all perſons, having Lands or Tenements, or common of Paſture or Fiſhing; or that had defence and preſervation in any ſort, or might have, by the Banks, Ditches, Gutters, Sewers, *&c.* in thoſe Mariſh grounds; ought to contribute, according to the quantity of their ſaid Lands and Tenements, either by number of Acres, or by Carucates, according to the proportion of their ſaid tenure, not only, to the new making of the ſaid Banks, Ditches, *&c.* but to their repair and ſupport, as often and whenſoever need ſhould require: Whereupon it ſeemed meet to the ſaid Juſtices; that, not only they, who had grounds lying neer to thoſe Banks; but alſo they, who held lands ſituate within the before-ſpecified Marſhes of **Monketone** and **Menſtre**; whether neer, or at a large diſtance; foraſmuch as they are within the peril of the Sea, and had, or in ſome ſort might have had ſafety and defence by the ſame Banks, Ditches, *&c.* ought to contribute thereto, according to the quantity of their tenure, without any favour, either to rich or poor, of what condition, ſtate, or dignity ſoever: And to be compelled thereto, not only by diſtreſſes and amerciaments, but alſo by double the chardge; and whatſoever other wayes or means, is in the ſaid Ordinances contained.

And for the fulfilling of all theſe things, in the ſaid Marſhes of **Monketone** and **Menſtre**, it was then ordained and agreed, that a common Bayliff ſhould be elected by the Lords of the Fees, and Commonalty of the Marſh, within the ſaid Marſh of **Monketone**; and another Bayliff in the Marſh of **Menſtre**; to ſuperviſe, do, and execute all ſuch things as to the Office of Bayliff of the Marſh pertained, according to the judgement of the Jurats, or Dike-Reeves.

Alſo that there ſhould be choſen *xij* honeſt and lawful men, by the Lords of the Fees, or their Attornies, and the Commonalty of the Marſh; or ſix of the Marſh of **Monketone**, and ſix of the Marſh of **Menſtre**; who had lands in the ſaid Marſhes, lying in danger of the Sea; which twelve to be aſſigned and ſworn, jointly to overſee the Banks, Ditches, *&c.* in the ſaid Marſhes; and to meaſure all the Lands, Tenements, and common of Paſture in thoſe parts, which either had or might have ſafety and defence, in any ſort, by the ſaid Banks, Ditches, *&c.* to the end it might be known for how much they ought to contribute; and who afterwards, upon their Oaths might ſuperviſe thoſe walls, Ditches, *&c.* and place a certain * *Keire* in every part of the ſaid Banks, of ſuch height and thickneſſe, that the Mariſh grounds might be fitly preſerved thereby: And that they ſhould hold their *Laſt* when and as often as it might be needful for any defect in repair. And that a certain day be by them aſſigned, within the compaſſe whereof thoſe defects ſhould be made good, according to their diſcretion: And if the ſaid repairs were not compleated within the time prefixed, that then the ſeveral Bailiffs, within their particular Bayliwicks, ſhould lay out their own moneys, and receive the double thereof: And the *xij* men to give notice of the ſeveral defects, to thoſe Bayliffs, after the repairs were not made good within the time ſo aſſigned. And if any of the ſaid Bayliffs, Jurats, or Dike-Reeves did die, or not give content to the ſaid Lords of the Fees and Commonalty, others ſhould be choſen in their ſtead, by the Lords of the Fees, or their Attornies, if upon notice given they would come in; and by the Commonalty of the ſaid Marſhes. And they to be accounted Bayliffs or Jurats of every Marſh, who ſhould have the conſent of the Lords of the Fees, and greater part of the Commonalty of the ſaid Marſh, leſt that by long delay much peril might happen.

Alſo that there be choſen out of the *xij* Jurats, two men, in either Marſh, who were to be the Collectors of all ſuch moneys, as ſhould be aſſeſſed for thoſe common repairs; *viz.* in Gutters, Sewers, Water-gangs, and of the whole Bank, which lyeth in common to be repaired and ſuſtained: And thoſe two ſo choſen, to make Collections and diſburſements; and of ſuch their receipts and layings out, afterwards to render a juſt accompt to the ſaid Lords of the Fees, or their Attornies, and to the Commonalty of the ſaid Marſhes, within the ſeveral Marſhes. And the Bayliffs of the

East Kent.

* *Creſt.*

East Kent. Lords of the Fees to aſſiſt the ſaid Collectors in the aſſeſſing and gathering the ſaid moneys, and likewiſe, if need be, to diſtrain for the ſame.

Alſo that the ſaid Common Bayliffs ſhould cauſe the ſaid *xij* men to meet together, as often and whenſoever there might be need; or that there was any danger, to ſuperviſe all the Banks, Ditches, Water-gangs, Sewers, and Gutters; and to take certain conſideration, before they departed, of all the defects; and likewiſe to aſſeſſe a certain portion of money upon every acre, to each Tenant, according to the quantity of what he held; and alſo to repair and amend the ſaid defects within a certain time, whether that they belong'd to particular perſons, or the whole Commonalty; and for the fulfilling of all thoſe determinations, that they be not only compelled by diſtreſſes, but by amerciaments; and double, if need required.

And the ſaid Bayliffs moreover, ſhould puniſh all ſuch, as being refractory to their ſummons, did not appear. And if any mans Land, lying within the Banks of the ſaid Marſhes, were digg'd for the repair of the ſaid Banks, Ditches, Sewers or Water-gangs; or for any new Bank or Ditch; or for the making of an in-ditch or out-ditch, that then the Commonalty of every Marſh ſhould give ſatisfaction to the party damnified, by the diſcretion and judgment of the ſaid Jurats, according to the uſage of Mariſh Lands; having alwayes reſpect to the quantity of the ground ſo digged or loſt: Saving always to the Lords of the Fees their right which they had and ought to have againſt their Tenanrs within their proper Fee, aſwell for having defence, as for the taking double, when through their Tenants default, they did lay down their own moneys.

And laſtly, that if any thing of difficulty, doubt, or obſcurity did fortune to ariſe in theſe Ordinances, that it ſhould be reſerved to the Decree and Declaration of the before-ſpecified Juſtices. Nor was it the intent of the ſaid Juſtices, that any perſons, who ought to have ſafeguard by others; or that held their lands under certain conditions, ſhould be by this Ordinance excluded from their defences and agreements, in caſe that ſuch their agreement were not derogatory to the Law.

And for the performance of theſe Ordinances, *William Shirreeve* and *John Coopere* of **Hoo**, were appointed Collectors of the moneys to be levyed in **Menſtre**; and *William de Everle* and *Thomas Hamon*, in **Monketone**.

The next year following (which was the *xvij*th of the ſaid King's reign) I find that *John de Lovetot* and *Henry de Apuldrefelde*, being alſo conſtituted [c] Commiſſioners for the viewing of the Banks, Ditches, *&c.* in the parts of **East Kent**, which were broken and in much decay, through the violence of the Sea; and to provide remedy for the ſame; met [d] at **Erchesto**, on the morrow after the Feaſt of St. *James* the Apoſtle; where all thoſe that held Lands lying within the Hundreds of **Eaſtri** and **Coznilo**, which lay in danger of the Sea, by virtue of the ſaid King's Precept, attended them; as alſo ſuch and ſo many lawful men by whom the truth in the premiſſes might be the better known. And it being then and there teſtified by the Commonalty of the Country; that it was expedient for the ſaid whole Commonalty to have one Bayliff and *xij* Jurats, within thoſe Marſhes, in ſuch ſort as they of **Romeney Marſh**, and the Marſhes towards **Suſſex** then had; the ſame Jurats appointed the ſaid whole Commonalty, then and there being, that they ſhould make choice of one Bayliff, and *xij* truſty and lawful men, *viz.* ſix of the Hundred of **Eaſtrie**, and ſix of the Hundred of **Coznilo**, having Lands lying in peril of the Sea within the precinct of thoſe Hundreds. Who being accordingly choſen, did forthwith ſwear, that they would faithfully perform all things, which on the King's behalf might therein be enjoyned. Whereupon the ſaid Commiſſioners appointed them, that they ſhould upon their Oaths juſtly meaſure all the Lands, aſwell of the Lords, as Tenants, which lay in danger of the Sea within thoſe places: And having ſo done, that then the ſaid Jurats ſhould cauſe the ſaid Banks and Sewers to be made, at the common chardge of all thoſe, which had Lands in thoſe parts, within the compaſſe of that

[c] Pat. 16 E. 1. m. 1. in dorſo.

[d] Ex cod MS. in bibl. *Cotton.* ſub effigie *Cleopatræ* C. 7. f. 41. a.

that danger, for the ſafeguard of them from the like peril, and defence of the Lands lying ſo in danger. And moreover, that they ſhould frequently overſee thoſe Ditches and Sewers, and cauſe them to be kept in repair at the common chardges, as aforeſaid, whenſoever need ſhould require. And if any of the ſaid *xij* Jurats ſhould happen to dye, or could not attend the care of the ſaid Banks and Sewers; that then another of the ſame Hundred, ſhould be forthwith choſen by the reſt of the ſurviving Jurats, in each hundred; and ſworn to perform all the premiſſes faithfully and diligently, together with the ſaid other Jurats. East Kent.

According to which Ordinance the ſaid *xij* Jurats of the before-ſpecified Hundred of **Comylo**, did then cauſe all the Acres of Land and Marſh, lying in the ſaid Hundred, and in the peril of the Sea, to be meaſured; the number whereof were as followeth; *viz.*

	Acres.
Belonging to the Abbot and Covent of *St. Auguſtines* in **Canterbury**	*CLiii.*
The Tenants of **Scholdone**	*Ciii.*
The Tenants of **Northbourne**	*Lxx.*
The Tenants of **Fengleſham**	*Lx.*
Dionyſe de Foulmed	*Cx.*
Thomas de Bonyngton	*xcii.*
Smothemerſhe contained in it ſelf,	*xlv.*
Mennele of **Comylo** contained	*Liii.*
Collol and *Laurence Marſcall*, had one Marſh called **Calhill**, containing	*iiii.*
The Tenants of **Dale**	*CXLvi.*
Brokes of **Monyngeham**	*x.*
The Fee of **Scholdone**	*CLv.*
The Prebend of **Dale**	*xlii.*
The Chamberlain of *S. Auguſtines* of **Canterbury**	*xiii.*
The Tenants of **Lydene**, in the whole	*CCxxxiiii.*
The Prior of **Dover**, and his Tenants	*CCCvi.*
The Abbot and Covent of **Langedone**	*xliii.*
The Cotiers of **Northbourne**	*Lix.*

The total of all the Acres. *MDC.* The total of the Aſſeſſment *xxxv* l. *viii* s. *iiij* d.

In like manner did the ſame Jurats meaſure the Lands lying within the the Hundred of **Eaſtrie** wherein they found that;

	Acres.
The Prior and Covent of *Chriſts-church* in **Canterbury**, had in the whole	*CCCCiii.*
The Tenants of **Halkling**	*Lx.*
The Tenants of **Wolthe**	*XC.*
Likewiſe towards **Henelyng**	*iii.*
The Field called **Heryngland**,	*x.*
The Field adjoyning to **Heryngland**, on the North	*xv.*
In one Marſh, called **Gareſtoft**	*xxv.*
In the Marſh, called **Stapynberghe**	*Cviii.*
In the Marſh, called **Preſtemed**	*xv.*
In the Marſh from **Hamme** bridge, to the curtilage of *John Feykyn*	*L.*

The total of all the Acres *DCCLxxix.* The total of the Aſſeſſment *xvi* l. *iiii* s. *vii* d.

	Acres.
Sir *Bertram de Trauncrey*, and his Tenants	*Lviii.*
John Fitz Bernard.	*xl.*
Nicholas de Sandwyche	*Dxxxix.*

The

East Kent. The Heirs of *Simon de Ercheſlo* ——— L.
Thomas Edwards and his Partners, at **Sanddowne** ——— Cxxxiiii.
The Heirs of *Henry de Schenebroke* ——— vi.

The total number of Acres *CCCLxxvii.*
The total of the Aſſeſſment ——— vii l. xvii s. i d.

The total of the Acres in both Hundreds, *MMDCCCLvii.* Acres.
The total of the whole Aſſeſſment ——— Lix l. x s.

In the ſame year (*viz.* 17 *E.* 1.) *William Barry* of **Rolvyndenne** complaining, that whereas one *William de Potone*, in reſpect of his Lands lying within the Marſh of **Neubyok** and **Rolvyndene**, neer to the Sea coaſt, betwixt **Smalhede** and **Mayhamme**, ought to repair and maintain certain Banks, Ditches, *&c.* for the defence of his Lands and Tenements, and of others having lands in that Marſh, againſt the violence and rage of the Sea; and that the ſaid *William de Potone*, notwithſtanding that himſelf and his Anceſtors, had alwayes wont to repair and maintain them, did then withdraw himſelf from ſo doing; the King therefore by his Letters Patents, bearing date at **Ledes** *xxi Aug.* did conſtitute [e] *Henry de Appeltrefeld*, *Robert de Savauuz*, and *Henry de Ledes*, his Commiſſioners to enquire the truth thereof, and to make redreſſe accordingly.

e Pat 17 E 1. m. 10.

The next year following, upon the like complaint of *Oſbert de Forſhamme*, *Hugh de Herindenne* and *Euſtace de Caſinghamme*; that whereas *John Malemeins*, by reaſon of his lands in **Rolvindenne** aforeſaid, lying neer the Sea coaſt, betwixt **Mayhamme** and **Newindenne**, ought to repair and maintain certain Banks, Ditches, *&c.* for the defence of the ſaid Lands, and the Lands of others, againſt the force of the Sea; he the ſaid *John*, notwithſtanding that himſelf and his Anceſtors, had uſually ſo repaired them, did maliciouſly neglect ſo to do; by means whereof, the ſaid *Oſbert*, and others, holding Lands in thoſe parts, did through the violence of the Sea, undergo grievous and intolerable loſſes; the ſaid King by his Patent dated at **Kings-Clipſton** 30 *Oct.* 18 *E.* 1. appointed [f] the ſaid *Henry de Apletrefeld*, and *Bertram de Tancre*, his Juſtices to enquire, and make redreſſe thereof.

f Pat. 18 E. 1. m. 5.

The like Commiſſion, upon the complaint of *William de Barry* of **Rolvyndene**, againſt the ſaid *John Malemeins*, who by reaſon of his lands in the Marſh of **Weſtbyoke**, ought to have repaired certain Banks and Ditches there, and neglected ſo to do; was directed to the before-ſpecified *Henry* and *Bertram*.

In the ſame year, 8 *Dec.* *Hugh de Blund*, *John de Dovor*, and *William de Gatecumbe* were conſtituted [g] Commiſſioners to overſee the Banks, Ditches, *&c.* lying on the Sea-coaſt within this County of **Kent**.

g Pat 18 E. 1. in dorſo m. 44.

And the next enſuing year, upon a farther complaint made by the before-ſpecified *Oſbert de Hamme* and others, againſt the ſaid *John Malemeyns*, for his neglect to repair the Banks and Ditches betwixt **Mayhamme** and **Newindenne**, formerly mentioned, the ſaid King by his letters [h] Patents dated at **Aſherugge**, aſſociated *Wil. de Gaſelhamme* to the ſaid *Henry* and *Bertram*, to make a new enquiry thereof.

h Pat. 19 E 1. m. 22.

In 20 *E.* 1. the King being informed, that *Richard Ferynge*, Parſon of the Church of **Lymene**, having, by reaſon of his Lands and Tenements belonging to his ſaid Church, at his own proper coſts repaired, and was ſtill ready ſo to do, a certain Bank at **Weſthethe**, ſituate neer the Sea-coaſt, as often as need required: and that therefore he ought not to contribute to the repair of any other Banks, foraſmuch as neither himſelf nor his Predeceſſors, Parſons of that Church, had ever been accuſtomed ſo to do: And that neverthleſſe, *John de Chert*, Bayliff of **Romenhale Marſh**, and the *xxiiij* Jurats of the ſaid Marſh, had newly diſtrained him, together with others of thoſe parts, for the repair of the Banks and Ditches, neer the Sea-coaſt, at **Appeldere**; the ſaid King herefore, not willing that the ſaid Parſon ſhould ſuffer wrong therein, granted his Commiſſion [i], bearing date at **Chaucombe** the 18th of *Febr.* unto *Stephan de Pence*.

i Pat 20 E. 1. m. 2. in dorſo

Penceſtre, and *William de Echingham*, to make enquiry in the Premiſſes, and to make redreſſe of ſuch injury as they ſhould find to have been done therein.

And in 27 *E.* 1. the Sea-banks in this County, being grown to decay in divers places, *Robert de Septvans*; and *William Mauſe* were conſtituted the [k] King's Juſtices to take view of them, and to take order for their ſpeedy repair.

k Par. 27 *E.* 1 in dorſo m. 28

In 2 *E.* 2. *william de Walleins* and others, being conſtituted [l] Commiſſioners for the viewing of the Banks and Water-gangs in this County, ſate at **Newcherche** upon the Monday next following the Feaſt of S. *Mildrede* the Virgin, in the ſaid year; where, by the common aſſent of the Lords of the Marſhes of **Lyde** and **Orney**, and the appointment of the King, it was ordained, [m] that thenceforth the ſaid King's common Bayliff in **Romeney** Marſh, ſhould overſee the Bayliffs and Jurats of the ſaid **Lyde** and **Orney**; and when neceſſity ſhould require, to ſummon them, together with the *xxiiij* Jurats of **Romeney** Marſh, to fit places, to conſult of Ordinances and making Laws for the defence of the Lands in the ſaid Marſhes; ſo that they ſhould alwayes abide by the Determinations and Cuſtomes of the ſaid Jurats, for the leſſe loſſe and more ſafeguard of their Lands, notwithſtanding any Cuſtome to the contrary: Saving alwayes the tenor of the King's Charter granted to the Commonalty of the ſaid Marſh, and likewiſe the Ordinances of Sir *Henry de Bathe*, as alſo of *John de Lovetot* and his aſſociates, for to remain in their full power.

l Ex cod. MS. penes *O. & S. John* ep. Juſt. c. d. Banco 3 Dec. 1657. ℔. 12. b.

m

In the ſame year *Henry de Cobham* Junior, *John Malemeyns* and *William de Bernefeld* were appointed [n] by the King, to take view of the Banks, Sewers, *&c.* in **East-Kent**. So likewiſe were *Wareſio de Valeynes*, *John Malmeynes*, and *Henry de Worhope* aſſigned [o] to make enquiry of the Banks, Ditches *&c.* in the Marſhes of **Peyhamme** and **Gatesdenne**, upon the Sea coaſt, betwixt **Smallyde** and **Peyhamme**, then wanting repair, through the default of *Raphe de Thordonne*, *Scoland de Forſhamme*, *Thomas Fitz Hubert* of **Pechyndenne**, and *Walter de Marcleſhamme*, who held lands in thoſe Marſhes.

n Par. 2 E. 2 m. 22. in dorſo cedulæ.

o Par. 2 E. 2. m. 19. in dorſo.

East Kent.

In 6 *E.* 2. the Jury for the Hundred of **Coxyle** exhibited a Preſentment [p] unto *Hervic de Stantone* and his fellow Juſtices Itinerants, ſitting at **Canterbury** in the Octaves of S. *John Bapt.* importing that the Prior of *Chriſts-Church* in **Canterbury**, did, about ten years then paſt, divert the courſe of a certain water, called **Geſtling**, in which ſuch Felons as were condemned to death, within the before-ſpecified Hundred, ought to ſuffer judgement by drowning; ſo that by this turning of that ſtream, thoſe condemned perſons could not there be drowned as formerly; and that this was to the prejudice of the King, *&c.* And they likewiſe preſented; that the ſaid Prior, about two years then paſt, raiſed a certain Trench of four foot, by which the ſame water of **Geſtling**, coming from the upper part of that Country, had wont to paſſe unto the Sea, and wherein the King had uſed to have fiſhing worth C^{s}. by the year: And that by the ſaid diverſion, the King not only loſt the profit of his fiſhing, but a thouſand and five hundred Acres of Land were thereby drowned, to the great damage of the ſaid King, and all the Country thereabouts: The Shireeve therefore had command to ſummon the ſaid Prior *&c.*

p Ex cod. vet. MS. penes *Rog. Twyſac* baronettum p 108.

Who appearing, and the ſaid Jury taking the premiſſes into farther conſideration, ſaid upon their Oaths; that, as to the Fiſhing, the ſaid Prior and Covent had antiently a certain mill in a place called **Lydene**; which Mill being burnt in the time of warr, there was no other there built till that the Prior then living about..... years paſt erected a new one: And they ſaid, that after the building thereof, the ſaid Prior raiſed a certain Gutter, four foot high, which had there been made in former time, for conveyance of the water from the upper parts of the Country: And they ſaid likewiſe, that without the ſaid Gutter, there then was a certain Fiſhing, which the Kings Officers belonging to **Dover** Caſtle (it being within the liberties thereof) ſold ſometimes for 30^{s}. *per annum*, ſometimes for 20^{s}. and ſometimes

East Kent for leſſe: And that the courſe of the ſaid water, which paſſed through the before-ſpecified Gutter, paſſed to that place, wherein thoſe condemned perſons had wont to be drowned, and their bodies carryed to the Sea. And they moreover ſaid, that after the ſame Gutter was ſo raiſed, the water, ſo deſcending from the upper parts before-mentioned, could not paſſe through it, whereby not only the ſaid fiſhing became totally loſt, but the drowned bodies could not be conveyed to the Sea by that Stream as formerly; and all this, by reaſon that the water had not it's paſſage there, as uſually; and that the ground without the Gutter ſo increaſed, and grew higher, that the ſtream could not have it's courſe there.

And the ſaid Jury being aſked, how long that Gutter had been ſo raiſed; they anſwered, for four years only: And what the ſaid fiſhing was yearly worth; they replyed one Mark. The Shireeve thereof had command, that he ſhould cauſe the ſaid Gutter to be put into the ſame condition as it was before; and that the earth, without the Gutter, ſo raiſed, ſhould be thrown down again at the chardge of the ſaid Prior *&c.* ſo that the courſe of the before-mentioned water might run as it formerly did; and the ſaid Prior was amerced.

About two years afterwards, *viz.* in 8 *E.* 2. *Will. de Baſinges*, *Will. de Swantone*, and *Will. de Leteriche* were conſtituted [q] Commiſſioners to overſee the Banks, Ditches, *&c.* in the Marſhes of **Romenale**, and **Drene**, in this County; and to take order for their repair.

[q] Par. 8 E. 2. p. 2. m. 122. in dorſo.

So alſo in 9 *E.* 2. was [r] *Robert de Kendale*, then Conſtable of **Dover** Caſtle, *John Malmeyns* of **Hoo**, and *Will. de Cotes*, for thoſe in **East-Kent**. The like Commiſſion had [s] *John de Iſelde*, *Will. de Cotes*, *Stephan de la Dene*, and *Will. Lotriche*, in 10 *E.* 2. As [t] alſo the ſaid *Robert de Kendale*, *Nich. Kyriell*, *John Malemeyns* of **Hoo**, and *William de Cotes*.

[r] Par. 9 E. 2. p. 2. m. 17. in dorſo.

[s] Par. 10 E. 2. p. 2. m. 21. in dorſo.

[t] Ib.

In 11° *E.* 2. *Thomas de Sandwiche*, *Will. de Cotes*, *Will. de Derby* and *Thomas de Poveyn*, were ſpecially appointed [u] to view the Banks, Ditches *&c.* in the Marſh of **Chiſtelet**, lying alſo in **East-Kent**; and to cauſe the defects therein amended.

[u] Par. 11 E. 2. m. 31. in dorſo.

The next year following, *Edmund de Paſſele*, *Will. de Dene*, and *John de Iſeld* were aſſigned [w] to take the like view *&c.* for thoſe Banks and Ditches lying neer **Newendene** and **Rolvyndene**. In [x] 14 *E.* 2. *John Abell*, and *Robert de Shirlond*, for thoſe on the Banks of **Medway**, neer to **Reynham** and the parts adjacent, which had received much decay by the freſh waters. And in [y] 16 *E.* 2. the before-ſpecified *Edm. de Paſſele*, *John de Iſeld*, and *Stephan de la Dane*, again for thoſe in **East-Kent**.

[w] Par. 12 E. 2. p. 2. m. 21. in dorſo.

[x] Par. 14 E. 2. p. 2. m. 7. in dorſo.

[y] Par. 16 E. 2. p. 1. m. 14. in dorſo.

In 20 *E.* 2. the Prior of **Bilſyntone** repreſenting [z] to the King; that whereas *John Maunſell*, the founder of that Monaſtery, had given to the Canons of that Houſe and their Succeſſors, the Mannour of **Over Bilſyngtone**, with the appurtenances; whereunto a certain ſalt Marſh, ſituate in **Lyde**, neer **Romenale**, containing *Lx* Acres, did belong: which both at the time of the ſaid grant, and ſince, had been alwayes drowned by the flowings of the Sea; humbly petitioned, [a] that he would pleaſe to grant licenſe for the drayning thereof; and that it might be reduced to culture, by the defence of Banks, according to the Mariſh Law. Whereupon the ſaid King iſſued forth a Writ of *Ad quod dampnum* to his Eſcaetor for this County, commanding him to enquire whether the ſame might be effected without prejudice to himſelf or others. Upon which enquiry, the Jury certified [b] upon their Oaths, that it might: and that the ſaid Marſh contained of it ſelf *CCxl.* perches in length, and *xl* perches in bredth; and that it was of no value before the drayning, and banking thereof; but that being ſo banked and drayned, it might be yearly worth *xxx*ˢ. every Acre prized at *vi*ᵈ.

[z] Eſc. 20 E. 2. n. 14.

[a] Eſc. 20 E. 2. n. 14.

[b] Eſc. 20 E. 2. n. 14.

In 2 *E.* 3. upon complaint * made to the King on the behalf of thoſe that held lands of the Archbiſhop of **Canterbury**, lying within the Iſle of **Tanet**, **Gravene**, and **Parnhull**; ſhewing, that whereas divers Banks, Ditches and Sewers, during the time that the Temporalities of the ſaid Archbiſhoprick, by the vacancy

* Ex bund. de Brev. & Recordis, Wallia & foſſata tangentibus, in Arce Lond. n. 2.

vacancy thereof, remained in the said King's hands, were decayed and worn down by the violence of the Sea; which Banks &c. the Archbishops of that See, had used to repair; the said King, directing his Commission to the Guardians of the Temporalties of the said Archishoprick, commanded them by an Inquisition to be taken thereupon, and such other wayes and means, as should be most expedient, to enquire whether he ought to repair those Banks, by reason of the said Temporalties, at that time in his hands.

By virtue of which Precept *John de Isfelde* and other the Commmissioners for that purpose, came to **Gravene** and **Harnhull**, to view the said Banks, and called before them, upon *Tuesday* next after the Feast of the *Ascension*, in the year abovesaid, *xij* honest and lawful men, who were Tenants of the same Archbishoprick, in those parts; and finding divers of the said Banks, very ruinous, and almost totally broken down, made enquiry, by *John atte Fayrebroke*, and other his Fellow Jurors, touching that matter. Who upon their Oaths then certified, that in the 17 year of K. *Edward* the second's reign, there were in the said Towns of **Gravene** and **Harnhull** *DL* Acres of Marsh, lying in **Northmerthe** and **Denle**, in the Demesne and Fee of the before-specified Archbishop, and divers men of those parts: Of which, the portion belonging to the said Archbishop was *CLxiii* Acres and a half of Marsh, which by the flowing of the Sea-tides had wont to be drowned; for prevention whereof, by the consent and good liking of *Walter* then Archbishop of **Canterbury**, and his Tenants there, and all other persons of those parts, who were Tenants of those Marshes, in the moneth of *June*, in the before-specified year, there was a Bank made, containing in length *CCCxx* Perches, and in bredth two Perches, by which the said Marshes were included and defended: Which Bank continued untill the *Friday* next after the Feast of S^t. *Vincent*, in the first year of the said King *Edward* the third: On which day it suddainly happned, through the violence of the winds, and raging of the Sea, that a piece of the said Bank of **Northmersh**, containing *Cxx* Perches, was very much broken, and almost quite destroyed. East Kent

And they farther said, that there was within the said Town of **Gravene**, in a place called **Clyvesmersh**, part of a Bank, containing *xvij* perches, by which *xxviii* Acres of Marsh, of the Demesnes of the Archbishop of **Canterbury** were defended; which Bank, through the said tempestuousnesse of the Sea, was beaten down, being then in the Kings hands by reason of the said vacancy of the Archbishoprick: And that if speedy remedy were not had, for the repair of those Banks, both the said Marshes would be in danger to be drowned. And they said moreover, that the decay in the said Bank of the **North-mersh**, could scarce be made good for *xxij*^l. *xvij*^s. *viij*^d. For the raising of which summ for that repair, the said Jurats assessed every Acre of the said *DL* Acres of Marsh, at ten pence; whereof the portion for the Archbishops Demesne, came to *vi*^l.*xvi*^s. *iij*^d. And they likewise said, that the before-mentioned part of the Bank at **Clyvemerthe**, containing *xvij* perches, might be repaired for two Marks and a half: And that though they had received command, that they should take care that no more damage, for want of these repairs, should happen to those parts, in respect of what concerned the said King; they had nevertheless forborn to be at any cost therein, untill they should receive farther signification of his royal pleasure. And lastly, as to the Banks in the Isle of **Thanet**, that they found them all in good repair.

In 11 *E.* 3. upon a Writ of *Ad quod dampnum*, the Jury certified, that it would not be prejudicial to the King or any other, if license were given to *John* then Archbishop of **Canterbury**, and to the Prior of *Christs-Church* in **Canterbury**, to suffer an antient Trench, leading from an arm of the Sea, called **Apuldre**, towards the town of **Romeney**, which passed through the proper soyl of the said Archbishop and Prior, and which was then newly so obstructed by the Sea-sands, that Ships could not passe thereby, to the said town of **Romeney**, as they had used; to be wholly stopped up and filled, so that they the said Archbishop and Prior might make their benefit there- E. 11 E. 3. n. 103. Kim.

East Kent. of as they thought fit; in regard that there then was a certain other Trench, leading from the ſaid arm unto **Romeney**, lately made by the force of the Sea, by which Ships and Boats might paſſe, without impediment to the ſaid town, as they had wont to do by the other, before it was ſo filled up. And they ſaid moreover, that the ſaid antient Trench was the proper ſoyl, of the before-ſpecified Archbiſhop, Prior, and *Margaret de Baſinges*; and that it had been obſtructed in ſuch a ſort, by the ſpace of *xxx* years and more then laſt paſt, by the Silt and Sea-ſands, as that Ships could not conveniently paſſe that way: And that the new Trench was more proper and ſufficient, whilſt it was open, than the ſaid old one, for the paſſage of Ships to **Romeney** above-mentioned; and did ſo remain at that time: And moreover, that the ſame new Trench was the ſoyl of the ſaid Archbiſhop, Prior, and Covent, *Margaret de Baſynges*, and the Abbot of **Robertſbrigge**. And laſtly, that the ſaid old Trench contained in length *viiC.* perches, and in bredth *x.* And the new one *vC.* perches in length, and in bredth *xx.*

In 14 *E.* 3. *Henry de Bradwey*, *Will. de Langley*, and *Thomas St. Nocholas*, were
d Pat. 14 E. 3. p. 1. m. 28. in dorſo. conſtituted [d] Commiſſioners for viewing and repairing the Banks and Ditches, in certain Marſhes lying betwixt the Towns of **Seſalter**, **Graveney**, and **Hornehill**, and others adjoyning thereto. So alſo
e Pat. 14 E. 3. p. 2. m. 21. in dorſo. were [e] *William de Scotheni*, *Will. de Cotes*, and *Stephan de la Dane*, for the like Banks, Ditches, *&c.* lying on the Sea-coaſt, in **East-Kent**.

In 25 *E.* 3. *John de Cobham*, *Otto de Grandiſon*, *will. Waure*, and *Stephan de*
f Pat. 25 E. 3. p. 3. m. 7. in dorſo. *Horſham* had the like Commiſſion [f], for thoſe betwixt **Bigpole** and **Eſtflet**, in this County. So alſo had
g Pat. 25 E. 3. p. 2. m. 6 in dorſo. [g] Sir *Robert de Cheyne*, Knight, *will. de Stavere*, and *John de Broke*, for the Banks *&c.* lying betwixt **Newenton** and **Dover**.

In 31 *E.* 3. *Thomas de Lodelawe*, *Will.*
h Par. 21 E. 3. p. 2. m. 25. in dorſo. *de Halden*, and *Robert Bilknappe* were appointed to take view of the Banks *&c.* in the Marſhes of **Tenham**, **Lodenham**, **Stone**, **Oze**, and **Faverſham**, in this County, much broken by the violence of the tides, and to provide for their repair.

In 27 *E.* 3. *Robert de Herle*, *Will. de Haldene* and *Stephan Donet* had [i] Com-
i Pat 37 E. 3. p. 1. m. 23 in dorſo. miſſion to take view of all the Banks *&c.* in the Iſles of **Shepeye** and **Thanet**; as alſo in the parts of **Graveene**, **Harnhull**, **Seſaltre**, **Sunneſton**, **Chiſtelet**, **Recolvre**, and **Leyden**, neer **Sandwich**; and likewiſe in the Marſhes of **Tenham**, **Lodenham**, **Stone**, **Oze**, and **Faverſham** in this County of **Kent**; and to determine all things touching their repair, according to the Cuſtome of the Marſh Lands, formerly uſed in this County. And the next year following, *Robert de Belknap*, and *Thomas de Walton* Clerk, were appointed [k] to do
k Pat. 38 E 3. p. 2. m. 13. in dorſo. the like in the Marſhes of **Tenham**, and other adjacent places.

In 39 *E.* 3. the King being informed,
l Par. 39. E. 3. p 1. m. 19. in dorſo. [l] that the Sea had more than formerly overflowed the Lands, Marſhes, and other Tenements, extending from a certain place called the **Clivelende**, within the Iſle of **Tanet**, unto the Town of **Stonore**, which contained in compaſſe two miles; whereby in a ſhort time the hurt and damage done thereto, was ſuch, as that it was almoſt deſtroyed: And that, within a few dayes, except ſome help were had to reſiſt thoſe violent overflowings, all the low grounds, adioyning to the Sea and Arms thereof, within the Hundreds of **Ryveſko**, **Wyngham**, **Preſtone**, and **Dounhamford**, to an ineſtimable damage, would be overwhelmed; he aſſigned [m] *Raphe Spigurnell*, then Conſtable of **Dover** Caſtle, *John Cobham*, *Robert Belknap* and others, to enquire and determine thereof according to the Law and Cuſtome of this his Realm. And in 41 *E.* 3. *John Flemmyng* Parſon of the Church of **Whitſtaple**, *John de Feverſham*, and *will. Tidecombe* were conſtituted [n] Commiſſio-
n Par. 43 E 3. p. 2. m 45. in dorſo. ners, to view the Banks, Ditches, *&c.* lying betwixt **Swalclif** and **Graveney**.

In 43 *E.* 3. *John de Cobham*, *Robert de Belknap*, *Will. de Horne*, *Simon de Kegworth*, and *Thomas de Garwynton* were appointed [o], to cauſe all the coaſts of the
o Par. 43 E. 3. p. 2. m. 45. in dorſo. Iſle

Iſle of Thanet, where Ships or Boats might land, to be fortified with Banks and Ditches, if they were capable thereof.

In 47 *E.* 3. the ſaid *Robert Belknap*, with *Roger de Aſheburnham*, *Will. de Toppeclyve*, and *Thomas de Harcheregge* were aſſigned [p] to view all the Banks *&c.* betwixt **Petecrone**, and **Ealdyng**, as alſo between **Patyndenneſmel**, and **Elherſt**, in this County of **Kent**; and to do what ſhould be requiſite concerning them, according to the Law and Cuſtome of this Realm. In the ſame year alſo was ſuch an aſſignation [q] to Sir *Thomas de Lodelowe* Knight, *Will. Horne*, and *Thomas de Shardelowe*, touching the Banks *&c.* betwixt **Pekeſende** and the Marſh of **Leſnes**.

[p] Pat. 47 E. 3 p. 1. m. 32. in dorſo.

[q] Ibid. m. 8.

In 48 *E.* 3. *Roger Digge*, *Will. Tydecombe*, *Nicholas Heryng* and others had [r] the like Commiſſion for the Banks in **Harnhull** marſh, betwixt **Whitſtaple**, and **Faverſham**: So alſo had [ſ] *Robert Bealknappe*, *Roger Dygge*, *Will. Horne*, and others, for thoſe betwixt **Gravеſend**, and **Shepeye**, and thence to **Reculve**; and ſo to **Sandwiche**, **Dover**, **Romeneye**, **Promhelle**, and **Newendenne**. The next year following, *Robert Belknap*, *Thomas Reynes*, Lieutenant of **Dover** Caſtle, and Warden of the Cinque Ports, with *Roger Dygge*, and others, were in like manner appointed [t], for thoſe Banks *&c.* upon the Sea-coaſt, extending from the Town of **Hethe** to **Romeneye**, and thence to **Promhull**, and **Apuldre**. So alſo were [u] *Nich. Heryng*, *VVill. Symme*, *Richard de Blore*, and others, for thoſe in the King's Marſhes of **Slayhill**, **Werkeworthe**, **Greneberghe**, **Daundeleye**, and **North merſh**, in the Iſle of **Shepeye**: And Sir *John de Cobham*, Knight, *John de Sudbury*, *VVill. Toppeclive*, and others, for [w] the Banks *&c.* in the Marſh, called **Court broke**, in the Iſle of **Orene**; to do therein as to Juſtice ſhould belong, according to the Law and Cuſtome of this Realm.

[r] Pat. 48 E. 3. p. 1. m. 30. in dorſo.

[ſ] Pat. 48 E. 3. p. 1. m. 30. in dorſo.

[t] Pat. 49 E. 3. p. 1. m. 6. in dorſo.

[u] Pat. 49 E. 3. p. 1. m. 1. in dorſo.

[w] Ib.

In 50 *E.* 3. *Thomas de Garwynton*, *Will. Makenhad*, *Stephan Bittyngham*, with ſome others, were conſtituted [x] Commiſſioners, for the view of thoſe Banks *&c.* ſituate in the Marſh of **Harnhull**, betwixt **Whitſtaple** and **Faverſham**. And [y] *Nicholas Heryng*, *John Godewot*, *VVill. Symme* of **Uppechirche**, and others, for thoſe in **Notteneye** marſh, at the Mannour called **Queneſcourte**, in this County: and to proceed in both theſe according to the Law and Cuſtome of this Realm.

[x] Pat. 50 E. 3. p. 1. m. 37. in dorſo.

[y] Ib. m. 30.

East Kent.

In 1 *R.* 2. the before-ſpecified *Thomas Garwynton*, *VVill. Makenhede*, *Stephan Bettenham*, and *Richard Sandre*, had [z] the like appointment for thoſe Banks *&c.* in the ſaid Marſh of **Harnhull**, betwixt **Whitſtaple** and **Faverſham**. So alſo had [a] *VVill. Horne*, *Stephan Bettenham* and *John Fraunceys* for thoſe in the Marſhes of **Ebbeneſore** and **Sharlee**.

[z] Pat. 1 R. 2. p. 2. m. 23. in dorſo.

[a] Pat. 1 R. 2. p. 1 m. 25. in do. ſo.

In 3 *R.* 2. *Robert Bealknap*, *John Barry*, *VVill. Horne*, *VVill. Makenade*, *Stephan Betenham*, *Stephen Peſtenden*, and *John Brode*, being conſtituted [b] Commiſſioners for view of the Banks *&c.* In the Pariſhes of **Stone**, **Witreſham**, **Apuldre**, and **Snergate** in this County; as alſo of **Jvenne** in **Suſſex**, had command to proceed in the repair of them, according to the Cuſtome of the Marſh, and Law and Cuſtome of this Realm. And in the ſame year the ſaid *Rob. Bealknap*, *VVill. Horne*, with *Nich. Heryng*, *Thomas Shardelowe*, *VVill. Makenade*, and *VVill. Ellys*, had [c] the like Commiſſion, for the view and repair of thoſe Banks *&c.* lying betwixt **Pekeſmere**, and **Stonore**, neer **Sandwiche**; and to do therein what ſhould be conſonant to Juſtice, according to the Law and Cuſtome of the Marſh aforeſaid. So alſo had *VVill. Topclyf*, *VVill. Makenade* and *John Fraunceys*, for thoſe in the Marſh of **Harnhull**, betwixt **Whitſtaple** and **Faverſham**.

[b] Pat. 3 R. 2. p. 1. m. 44. in dorſo.

[c] Pat. 3 R. 2. p. 2. m. 6. in dorſo.

The next year following the ſaid *Robert de Bealknap*, *VVill. Topclyf*, *VVill. Makenade*, *John Roper*, *Thomas Chiche*, and *VVill. Brenchele*, had [d] the like appointment for thoſe betwixt **Feverſham** and **Muſton**. And in [e] 5 *R.* 2. *Rob. de Aſhton*, *Robert Bealknap*, *Arnald Sauvage*, *Thomas Garwynton*, *VVill. Symme*, and *Elyas Reyner*, for thoſe in the Marſh of **Oxe**, within the Hundred of **Middleton**; and to determine of all things therein

[d] Pat. 4 R. 2. p. 1. m. 17. in dorſo.

[e] Pat. 4 R. 2. p. 2. m. 29. in dorſo.

East-Kent. according to the Cuſtome of **Romeney marſh**, to that time reaſonably uſed.

In 9 *R.* 2. *Simon de Burley*, Conſtable of **Dover** Caſtle and Warden of the Cinque Ports, Sir *Thomas Symond* Knight, *Roger Aſhburnham*, *Stephan Betenham*, and *John Broke*, were conſtituted [f] Commiſſioners to view and repair the Banks *&c.* betwixt **Beauclif** and **Sturdeſoale**. And [g] *Will. Horne*, *Will. Makenade*, *Stephan Betenham*, and *John Lynet*, for thoſe betwixt **Fairfeld** and **Apuldre**: By which Commiſſion the ſaid *William* and the reſt had authority given them to take ſo many Carpenters, with other Artificers and Labourers, as ſhould be needful for repair of thoſe Banks, Ditches, *&c.* upon competent wages for their work therein, in reſpect of the great and urgent neceſſity for making good the ſaid Banks *&c.* with all expedition.

f Par. 9 R. 2. p. 1. m. 1. in dorſo.

g Ibid.

In 10 *R.* 2. *Simon de Burley*, then alſo Conſtable of **Dover** Caſtle *&c.* *Robert Bealknap*, *Thomas Garwinton*, and *John Colepepir* had the like Commiſſion [h] for the Banks *&c.* lying betwixt **Faverſham** and **Sandwiche**. And in 12 *R.* 2. Sir *John de Cobham* Knight, Sir *Thomas Fogge* Knight, Sir *Arnold Sauvage* Knight, with others, were [i] appointed to view and repair thoſe Banks, which were in the Marſhes of **Thanet**; as alſo betwixt **Reculvre**, and a certain place called S. **Mary Clif**; and farther ſpecially directed by their Commiſſion, to hear and determine all things concerning the premiſſes according to the Law and cuſtome of **Romeney marſh**, to that time uſed: As alſo to take ſo many Ditchers, with other Workmen and Labourers, as might be needful for the ſaid work, upon fitting wages to be paid to them for the ſame; and this in reſpect of the great and urgent neceſſity, for the diſpatch of that work.

h Par. 10 R. 2. p. 1. m. 37. in dorſo.

i Par. 12 R. 2. p. 1. m. 13. in dorſo.

The next year following *John Wadham*, *Will. Horne*, *Will. Makenade*, *Stephan Betenham*, and *John Lynet* were conſtituted [k] Commiſſioners to view and repair the Banks *&c.* betwixt **Fairfelde** and **Apuldre**, and **Snargate**, then broken with the violence of the Tides; and to proceed therein according to the Law and Cuſtome of this Realm of **England**, and the Cuſtome of **Romeney marſh**.

k Par. 13 R. 2. p. 1. m. 34. in dorſo.

In 17 *R.* 2. the like [l] Commiſſion was directed to *John Colepepir*, *Will. Makenade*, *Stephan Betenham*, *Thomas Brokhelle*, and *Nich. Potyn*; for the view and repair of thoſe Banks *&c.* which were betwixt the Cities of **Canterbury** and **Rocheſter**; and to act therein according to the Law and Cuſtome of this Realm, and of **Romeney** Marſh. So alſo [m] in the ſame year, the like to the ſaid *John Colepepir*, *John Septvaus*, *Will. Elys*, *Will. Tydecoumbe*, and *Richard Bartelot*, for thoſe betwixt the ſaid City of **Canterbury** and **Sandwiche**, and to act therein as aforeſaid.

l Par. 17 R. 2. p. 2. m. 37. in dorſo.

m Ibid.

In 22 *R.* 2. *Stephan Betenham*, *Robert Oxebregge*, *Will. Berton*, and *Thomas Ikham*, had the like [n] appointment for thoſe Banks *&c.* lying betwixt the Town of **Ebbene** in **Orene**, and the Town of **Bzenſete**. So alſo had [o] *Will. Makenade*, *Stephan Betenham*, *Will. Bertone*, *Will. Bertyn*, and *Henry Horne* in 1 *H.* 4. for thoſe upon the Sea-coaſt, betwixt the Towns of **Smallyde** and **Pzomhelle**. And [p] in 2 *H.* 4. *Will. Rykhill*, *Will. de Makenade*, *Stephan Betenhamme*, *John Colepepir*, *Will. Bertone*, *Will. Elys*, *Thomas Ikham*, and *John Martyn* of **Dertefoyde**, for thoſe Banks *&c.* ſituate between the Towns of **Gzethe** and **Sandwiche**. In all which Commiſſions, ſpecial care was taken that they ſhould proceed according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romney** Marſh.

n Par. 22 R. 2. p. 1. m. 2. in dorſo.

o Par. 1 H. 4. p. 5. m. 22. in dorſo.

p Par. 2 H. 4. p. 1. m. 12. in dorſo.

In 3 *H.* 4. the King directing his Letters [q] Patents to the inhabitants of the Iſle of **Shepeye**; wherein, taking notice of a certain Sea-bank therein, extending it ſelf from a place called **Tremmoderye**, unto another place, named **Cotheles**; which, before the building of **Queneſburgh** Caſtle, being only four foot in bredth, and afterwards, by *Edward* the third, late King of **England**, for the advantage of Carts and Wagons, paſſing from the before-ſpecified Ferry to the ſaid Caſtle, was made thirty foot broad; had ſuffered ſo much decay, that ſcarce a ſingle perſon could then go upon

q Par. 3 H. 4. p. 1. m. 12.

on it: and that the ſaid Inhabitants were not able to repair the ſame, without ſome aſſiſtance from others; by the advice of his Councel, granted unto them for their better help in undergoing the ſaid work, theſe ſeveral Cuſtomes, to be, for the ſpace of the three next enſuing years, aſſeſſed and collected; *viz.* for every Horſeman being a ſtranger that ſhould come into or go out of the ſame Iſle by the ſaid Bank, *i* d. And for every Footman an half peny: For every loaded Horſe *i* d. and every one empty an half peny.

In 10 *H.* 4. *George Ballard, Stephan Betenham, Rob. Oxenbregge, Vincent Fynche, Thomas Oxenbrigge, VVill. Marchant, John May*, and *John Lonsford* were conſtituted [r] Commiſſioners for the view and repair of the Banks, Ditches, *&c.* on the Sea-coaſt, and in the Marſhes, betwixt the Towns of **Romeney** and **Promhull**, then ruinous by the rage of the Sea; and to proceed therein according to the Law and Cuſtome of the Marſh, and Law and Cuſtome of this Realm.

r Pat. 10 *H.* 4. p. 1. m. 13. in dorſo.

In 13 *H.* 4. *Rob. Clifford, Thomas Remys, John Martyn, Thomas Elys, Thomas Marchaunt, John VVhitehed*, and *John Bertone* had the like Commiſſion [f] for thoſe Banks *&c.* lying betwixt **Pekeſend** and **Stonore**, neer **Sandwiche**; wherein they were commanded to act according to the Law and Cuſtome of the Marſh.

f Pat. 13 *H.* 4. p. 1. m. 23. in dorſo.

In 3 *H.* 5. *John Darelle, Roger Rye, Thomas Elys, Henry Horne*, and *VVill. Marchaunt* had the like aſſignation [t] for thoſe betwixt the Towns of of **Smalhede** and **Romene**; and to act according to the uſage of the Marſh, and Law and Cuſtome of this Realm.

t Pat. 3 *H.* 5. p. 1. m. 17. in dorſo.

The next year following, *John Drylond, John Brynkle, Peter Hall, John Saliſbury, John Pecock*, and the Shiriff of **Kent**, were appointed [u] in like ſort to view and take care of thoſe Banks *&c.* lying in **Warde merſhe**, within the Pariſh of S. *Nicholas* in **Tanet**, then broken by the violence of the waves; and to proceed therein according to the Law and Cuſtome of **Romney** Marſh.

u Pat. 4 *H.* 5. p. 1. m. 15. in dorſo.

In 6 *H.* 6. *John Bamburghe, VVill. Cheyne* of the Iſle of **Shepeye**, *John May, Thomas Betyngham*, and *Thomas Groveherſt*, had the like appointment [w], for the Banks *&c.* betwixt the City of **Rocheſter** and **Whitſtaple**; and for thoſe in the ſaid Iſle of **Shepeye**; and to make Statutes and Ordinances, befitting the defence and preſervation of the Sea-coaſts, according to the Laws and Cuſtomes of **Romney marſh**; as alſo to do and determine all things touching the premiſſes according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romeney** Marſh aforeſaid: And moreover to take ſuch and ſo many diggers and labourers upon competent wages, in reſpect of the preſent neceſſity, as ſhould be requiſite for that work. East Kent.

w Pat. 6 *H.* 6. p. 2. m. 8. in dorſo.

In 17 *H.* 6. *John Bamburgh, Richard Bruyn, Valentine Baret, Thomas Burges*, and *VVill. Garnet* were appointed [x] in like manner to view the Banks *&c.* on the Sea coaſt, from **Feyhede** to **Hencle**, then broken by the violence of the waves, and to take order for their repair; proceeding therein according to the Laws and Cuſtomes of this Realm, and the Cuſtomes of **Romeney** Marſh: And to take Labourers upon competent ſalaryes, in reſpect of the great neceſſity, as aforeſaid.

x Pat. 17 *H.* 6. p. 1. m. 29 in dorſo.

The next year following *Richard VVakeherſt, VVill. Bertyne, Thomas Betenham, Thomas Hordene, VValter Colepeper*, and *John Derham*, had [y] the like appointment for the Banks *&c.* betwixt **Smalhithe**, and a certain place called the **Pendynge**, and likewiſe betwixt **Farnehille**, and a Bank leading from **Mayteham** to **Pendynge** aforeſaid, in the Pariſhes of **Tenterden** and **Rolveldene**: with power to make Statutes and Ordinances for the preſervation of thoſe places according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romney marſh**: As alſo to take ſo many Diggers and Labourers, in reſpect of the inſtant neceſſity, as ſhould be needful for that work.

y Pat. 18 *H.* 6. p. 1. m. 7. in dorſo.

In 28 *H.* 6. *VVill. Kene* Eſquire, *John Bamburgh, Stephan Slegge*, and others, were in like ſort conſtituted Commiſſioners

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[z] Par. 28 h. 6. p. 2. m. 22. in dorso.

In 13 E. 4. Sir *John Fogge*, Knight, Sir *Will. Haute*, Knight, *Roger Brent*, *John Fyneux*, *Will. Brent*, *John Nethirsole* and *John Hert*, were [a] in like manner appointed, for those Banks &c. betwixt **Tenterdene** and **Lyde**: as also to make Laws and Ordinances &c. as aboveſaid.

[a] Par. 13 E. 4. p. 2. m. 20. in dorso.

In 14 E. 4. the King having received advertiſement, that the Banks, Ditches &c. lying on the Sea-coaſt and Marſhes betwixt **Robertsbrigge** in **Suſſex**, and the Town of **Romney** in this County of **Kent**, were by the raging of the Sea and violence of the Tides, much broken and decayed, to the great damage of those parts; and being therefore deſirous that ſome ſpeedy remedy ſhould be uſed therein, did by his Letters [b] Patents, bearing date at **Weſtminſter** 16° *Julii*, in the year aboveſaid, conſtitute Sir *John Fogge*, Sir *William Haute*, and Sir *John Gilford* Knights, and *John Elryngton*, *John Brumſton*, *Henry Auger*, *Will. Belknap*, and *Robert Oxenbregge* Eſquires; as alſo *Bartholmew Bolney*, *Roger Brent*, *John Fyneux*, *Vincent Fynche*, *John Netherſole*, and *John Hert*, his Commiſſioners, giving power to any four, three, or two of them, whereof the ſaid *Bartholmew*, *Roger*, *John Fyneux*, *Vincent Fynche*, *John Netherſole* and *John Hert* to be one; to take view of the ſaid Banks &c. and to enquire upon the Oaths aſwell of Knights as other honeſt and lawful men of the before-ſpecified Counties, aſwell within Liberties as without, by whom the truth in the premiſſes might be the better known, through whoſe default theſe damages had there hapned; and who they were that had Lands and Tenements, or common of Paſture or Fiſhing in thoſe Counties, or had or might have preſervation and benefit any manner of way by thoſe Banks &c. or loſſe for want of them; aſwell thoſe that were remote as thoſe that were neer to the danger; and to diſtrain all ſuch, according to the quantity of their Lands and Tenements, or number of Acres or Carucates, proportionable to what they held; and ſo likewiſe for their common of paſture or fiſhing; and, together with the Bayliff of the Liberties and other places of the Counties and parts aforeſaid, for the repair of thoſe Banks, Ditches, Gutters, and Sewers; and to make them or ſome of them new, where need ſhould require: And likewiſe for cleanſing the Trenches, and, if cauſe were, to ſtop them up; ſo that no favour ſhould be ſhew'd to any perſon whatſoever, rich or poor; or of what ſtate, degree, or dignity ſoever, who might have advantage by the ſaid Banks, or detriment for want of them.

[b] Ex vet. membr. in bibl. *Cottonian.*

And moreover to make agiſtments upon the Sea-Ditches for the ſafeguard of thoſe parts, according to the number of acres or perches; and as often as it ſhould be needful to renew them. And likewiſe to depute certain diligent and faithfull Guardians, for the preſervation before mentioned; and to hear the Accompt of the Collectors of moneys, which were to be levyed for that occaſion, and for the repair of the ſaid Banks, or obſtruction of thoſe Trenches: And that they the ſaid Commiſſioners, or any four, three, or two of them, whereof the ſaid *Bartholmew*, *Roger*, &c. to be one, to take diſtreſſes, either by themſelves, or others whom they ſhould think fit to depute for that purpoſe, for the arrerage of what ought to have been Collected, as often as need ſhould be.

And alſo to make and ordain fit and neceſſary Statutes and Ordinances for the defence of the Sea-coaſts and Marſhes aforeſaid, and the adjacent parts, according to the Laws and Cuſtomes of this Realm of **England**, and of **Romeney** Marſh. And to hear and determine all the premiſſes, aſwell at the ſaid King's ſute, as the ſute of any other whaſoever, which ſhould come in queſtion before them, according to the **Law** and Cuſtome of this Realm, and the Cuſtome of **Romeney** Marſh aforeſaid.

As alſo to take, and imploy in the ſaid works and repairs as many Ditchers, and other

other workmen and labourers, as ſhould be expedient for the works and repairs before mentioned, upon competent ſalaries to be paid to them in that behalf; in regard of the great urgent and inſtant neceſſity for expedition therein.

Further requiring the ſaid Commiſſioners, and any four, three, or two of them; whereof the ſaid *Bartholmew, Roger &c.* to be one, to accompliſh the premiſſes in form aforeſaid; and whomſoever they ſhould find, either negligent or refractory, in making their proportionable repairs belonging to them, to compell them thereto by diſtreſſes and amerciaments, and ſuch other wayes and means, as they ſhould deem moſt expedient, to the end the ſaid defects might be ſuddainly made good. And to cauſe whatſoever they ſhould ordain and determine therein to be firmly obſerved; acting therein as to Juſtice appertained; and according to the Law and Cuſtome aforeſaid: Saving to the ſaid King all amerciaments, and other things herein to him belonging.

Whereupon afterwards, *viz.* on the tenth day of *April*, in the *xviij*th year of the reign of the ſame King, the ſaid Juſtices were informed; that all the Lands and freſh Marſhes, lying within the ſubſequent limits; *viz.* betwixt the Marſh called **Coweleſe**, towards the North; the lands in the **Ree**, leading from the ſaid Marſh to the place call'd **Lynkehoke**, neer **Romeney**, towards the Eaſt; the way leading from the ſaid place called **Lynkehoke**, by the inſide of the Bank at **Lyde**; and through the midſt of the high ſtreet of that town, to **Pigwell**, and a place call'd the **Holmeſtone**, lying without the Bank called **Wikewall**; the Land of **Pomhill**, ſituate without the Banks called **Simondes Wall** and **Kent Wall**, and the gulf of ſalt water, running from the **Camer** unto the ſaid Marſh called **Coweleſe** towards the Weſt; excepting the Marſhes called the **Kete**, **Denecourt merſhe**, and **Bourghſer's merſhe**, and other Marſhes then lately taken in by the before-ſpecified *John Elryngton* and *Richard Gilford* Eſquires, with the Banks belonging to them, were dayly ſubject to the danger of inundation by the Sea and ſalt water, for default of repair and ſupport of the Banks of the Marſhes, called **Eſtmerſh** and **Becard**, and of divers other Marſhes, which lying within thoſe limits (except before excepted) ſerved for the defence and ſafeguard of the ſame Land and Marſh, from the peril of the Sea, and inundation of the ſalt water; were, through the violence of the tides, and overflowings of the freſh waters, running to the Sea, broken in many places; ſo that ineſtimable loſſes would very likely happen in a ſhort time, unleſſe a ſpeedy remedy were taken. East Kent.

By reaſon whereof, by virtue of the ſaid Letters Patents, the Shireeve was commanded, that he ſhould not neglect for any Liberty, but cauſe *xxiiij* aſwell Knights as other honeſt and lawful men of this County, by whom the truth might be the better known, to come before the ſaid Juſtices at **Apuldore**, in the ſaid County, on the *Thurſday* before the Feaſt of the holy *Trinity*, then next enſuing, to enquire and make certificate to the ſaid Juſtices concerning the Premiſſes, and touching other Articles and circumſtances ſpecified in the ſaid Letters Patents; and laſtly to do and receive what ſhould be enjoyned them on the ſaid King's behalf.

At which day came before the ſaid *John Fogge, John Scotte, Will. Haute, John Elryngton, John Brumſtone*, and *John Netherſole* (ſix of the before-ſpecified Juſtices, at **Apuldore** aforeſaid) *William Brent*, who proſecuted for the King in this buſineſſe. And *Richard Haute*, then Shireeve of **Kent**, made return of the ſaid Precept to him directed, executed; together with two ſeveral Panells affixed thereto, containing the names of the Jurors, to enqnire in form aforeſaid: All which being performed, as of right it ſhould be, *Robert Godfrey, Thomas Feſſe, Will. Hikke*, and others of the firſt Panell, made their appearance; and being ſeverally ſworn, as is evident by thoſe Panells, and charged to enquire of the premiſſes; and not being agreed on their Verdicts, did ſeverally requeſt a farther day for the delivery up thereof, to the intent they might in the mean time make more diligent enquiry of the premiſſes, and then preſent the ſame before the

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ſaid Juſtices. All which upon that their deſire, and by the aſſent of the before-ſpecified *Will. Brent*, then the ſaid Kings Attorney in this buſineſſe, was granted: and thereupon a day was given to the ſaid Jurors to come before the ſaid Juſtices, at **Lyde**, in this County, upon the Friday then next following. And the ſaid Jurors were then advertiſed, that they ſhould in that interim enquire diligently of the premiſſes, and then to appear ſeverally to deliver their Verdict; each man upon the penalty of *xl*ˢ.

Upon which Friday, the ſaid Sir *John Fogge*, and the other Juſtices laſt mentioned, did all of them perſonally go to the ſaid Land and Marſh, to take view of the Banks, lying within the before-ſpecified limits, touching the danger whereof the ſaid Juſtices had received information, as aforeſaid: And then and there the Bayliff and divers of the Jurats of **Romeney** Marſh, mentioned in the ſaid Letters Patent, as alſo other diſcreet perſons (to apply a fit and proper remedy for avoiding this danger and loſſe) being expert men in the Statutes, Ordinances and Cuſtomes of the ſaid Marſh; as alſo very many others, who had and might have by thoſe Banks ſafeguard and defence for their Lands, within the ſaid bounds (except before excepted) and then and there, in their preſence, did take deliberate and diligent view of all thoſe Lands and Marſhes, aſwell at a diſtance as neereſt to the danger; and likewiſe of all the Banks, and whatſoever elſe was neceſſary for the ſafeguard and preſervation of thoſe Lands and Marſhes; and did then deſire of the before-mentioned Bayliff and Jurats of the ſaid Marſh of **Romney**, and of the other diſcreet and expert men, advice and counſel for applying a fit and ſpeedy remedy in this behalf.

And afterwards on the before-ſpecified Friday, at **Lyde** aforeſaid, came the ſaid *will. Brent* (who then proſecuted for the King in this buſineſſe) before the ſaid Sir *John Fogge*, and the reſt of his ſaid fellow Juſtices before named: And aſwell the ſaid Jurors of the firſt panell, as thoſe of the ſecond, being impanelled in form aforeſaid, as alſo ſworn and chardged to enquire of the premiſſes, came, and ſeverally ſaid upon their Oaths; that in the ſaid Lands and Marſhes within thoſe limits before mentioned, except before excepted, the wall of the Marſh of the **Becard**, called **Becard Wall**, leading from the Marſh called the **Kete** unto the Marſh of **Eſtmarſh**: And alſo the Bank of the ſaid Marſh, called **Eſtmarſh Wall**, leading to the **Kee Wall**, were defective and ſtood in need of repair, for reſiſting the Sea and ſalt water: And if that the ſalt water of the Sea, ſhould enter on any part of the ſaid Banks, or in any place from thence to **Holmyſtone** aforeſaid (which is at the Eaſt part of the Bank, called **Newe Wall**, lying betwixt the Sea and the Land of **Promhill** aforeſaid) and that a reſiſtance thereof could not be eaſily made, all the Lands and Marſhes before mentioned, ſituate within the precincts before-ſpecified, except before excepted, touching the danger whereof information was given, in form aforeſaid, unto the ſaid Juſtices, would be in a very ſhort time overflowed with the ſalt water, to an ineſtimable damage.

And the ſaid Jurors did likewiſe ſeverally expreſſe, that it would be proper for the ſafeguard and defence of all thoſe Lands and Marſhes (except before excepted) called **Becard Wall**, and **Eſtmarſh Wall**, to be ſufficiently repaired as ſoon as conveniently could be, and continually ſuſtained againſt the violence of the Sea, Storms, and Tides, leſt the ſalt water ſhould get in at any of them, and thereby all theſe Lands and Marſhes (except before excepted) be drowned. And they farther ſaid, that it would be very expedient, that the ſaid Bank called **Newe Wall**, which is without the ſaid Banks called **Kent Wall** and **Simonds Wall**, and within the bounds aforeſaid (except before excepted) ſhould be ſufficiently repaired as ſoon as might be, to withſtand the rage of the Sea, ſtorms, and Tides, for the defence of the ſaid Banks called **Kent Wall** and **Simondes Wall**; and afterwards continually maintained for prevention of the peril of the Seas inundation, whereunto thoſe Lands and Marſhes were ſubject.

And likewiſe the ſaid Jurors, in form aforeſaid ſworn, and ſeverally chardged, did ſay upon their Oaths; that it ſeemed to them expedient, that the Lands and Marſhes

Marſhes, called **Cheyncourt**, **Seynt Thomas Inayng** and **White kempe**, which were within thoſe precincts and lyable to the ſaid danger, ſhould be drayned by one Sewer in the Land of *Thomas* then Archb. of **Canterbury**, at **Rounde merſhe**, running into the Sea where the Gutter then was; and that there ſhould be made in that place Sluces and Gutters, fit and proper for that purpoſe: And that there ſhould alſo be Bayliffs, Jurats, and other Officers, within the ſaid limits (except before excepted) for the view and conſervation of the Mariſh grounds and Banks within thoſe bounds, except before excepted. And that there ſhould be had for every Sea-bank there, a common Forland, as before that time had been uſed, upon which ſuch carriages as ſhould be neceſſary for the repair, maintenance, or making of thoſe Walls, might, without impedimeut be made.

And likewiſe the ſaid Jurors, being in form aforeſaid ſworn, did ſeverally ſay; that the Land-holders in the ſaid Marſh, called the **Becard**, who ought to pay and contribute to the repair and maintenance of the Banks within thoſe limits, except before excepted, had not any way, by which they might go, ride, or drive to that Marſh nor from it, except over other mens Lands, or upon the Banks or Forland leading thence to and from the ſaid Marſh. And they ſaid, that according to the Cuſtome of the Marſh-law there, in all ſuch caſes before that time uſed, the Tenants of that Land, at their pleaſure, might go, ride, and drive to and fro to the ſaid Marſh, and from the ſaid Marſh, over and upon the Forland of the Banks leading to the ſaid Marſh and from the ſame. And as to the number of Acres, or partition of the Lands and Marſhes *&c.* within thoſe limits (except before excepted) or of the certainty of the Land-holders, and how much land every ſuch Tenant had or held of the ſaid Lands and Marſhes, within the ſaid limits (except before excepted) the ſaid Jurors did ſeverally preſent the certainty thereupon, according to the form, and as it was contained in the Books of Sewers within thoſe limits (except before excepted) then exhibited before the ſaid Juſtices.

And thereupon the ſaid *John Fogge*, *John Scotte*, and others to the number of eight of the ſaid Juſtices, foraſmuch as upon their ſaid view and inquiſitions aforeſaid made and taken, in form aforeſaid, it evidently appeared to them; that the ſaid Lands and Marſhes within thoſe limits (except before excepted) were lyable to the danger of drowning by default in repair and maintenance of thoſe Banks; whereupon in ſhort time ineſtimable damage might accrue, unleſs a fitting remedy in that behalf were the ſooner had: and that all the Lands and Marſhes within thoſe limits (except before excepted) might very well be preſerved and defended, by the repair and ſupport of thoſe Banks, and by the making of Sewers, Ditches and Gutters in thoſe Marſhes, from the danger of the Sea, and the flouds of freſh waters, to the great commodity of all the Landholders within thoſe precincts (except before excepted:) and that in default of ſuch repair and ſupport of thoſe Banks and every of them, all the lands and Marſhes, thoſe excepted as aforeſaid, would be in peril of the Sea, and eaſily overwhelmed, to the ineſtimable loſſe of all the Landholders there; whereby all thoſe Tenants, except before excepted, ought equally to contribute to the coſt and chardge of ſuch repair and maintenance, for the ſafeguard and defence of their lands and Marſhes there, from this peril and inundation; *viz.* every one of them according to the proportion of what he held, as his number of Acres and Perches of land there, as in the ſaid Marſh of **Romeney**, according to the Ordinances, Statutes and Cuſtomes thereof, had and to that time uſed, in the like caſe there had wont and ought to be done. East Kent

Conſidering beſides, that the ſaid lands and Marſhes, lying within thoſe limits (except before excepted) were never before ſetled under any certain and fit Statutes or Ordinances, by any Authority, for their ſecure defence and preſervation: And moreover, foraſmuch as the ſaid King, deſiring ſeaſonably to provide for the ſafeguard of this his Realm, and chiefly for thoſe parts upon the Sea-coaſts, in his Parliament held at **Weſtminſter** the ſixth of *October* in the *xij*th year of his reign, and by divers prorogations continued till the firſt day of *May*

East Kent in the *xiiij*th year thereof, by the assent of the Lords Spiritual and Temporal, sitting in the said Parliament, at the Petition of the Commonalty of this his Realm, then and there exhibited to him, amongst other things; ordained and constituted, that several Commissions of Sewers, should be issued out to sundry persons by the Chancelour of **England** for the time being, throughout all the parts of this Realm, where need should require, according to the form of a certain Commission in a Statute made in the Parliament of *Henry* the sixth (in Deed but not in Right King of **England**) held at **Westminster** in the sixth year of his reign: And that the said Commissioners should have full Power and Authority, to make, ordain and constitute Statutes and Ordinances; and to perform all other things according to the power and effect of those Commissions, as in the said Statute of the said *xij*th year published, is more fully contained. Whereupon the said King issued out his Letters Patents to the before-specified Sir *John Fogge* and the rest of the Justices before-mentioned, in form aforesaid; the tenor of which Petitions and answers thereto; and of the Statutes, Ordinances and Customes of the said **Romeney Marsh**, were contained in a certain Roll annexed thereunto.

Having also regard to the publick advantage and common profit, aswell by virtue and authority of the said Statute, published in the said *xij*th year, as of the said Letters Patents, as aforesaid, hereupon made to the before-specified Justices, in form aforesaid, and other premisses, that it would seem just and equal to them in this behalf, and most consonant to reason, to establish and ordain what should be most proper for the avoiding of the perils and damages abovesaid; calling together such as the businesse concerned, for the perpetual safeguard and preservation of the said lands and Marshes, within those limits, except before excepted; by the assent aswell of all those Jurors of the Enquest aforesaid, appearing before the said Justices, who had lands within the limits aforesaid, lyable to the said danger, to be preserved in form aforesaid; as also of very many Lords of Fees and other Land-holders there being, on the said *Friday*, at **Lyde** aforesaid, in pursuance of the said King's Royal purpose, for more advantage and lesse detriment, the said Justices, did provide, make, and publish certain proper and commodious Statutes and Ordinances for the King's people; and especially for all the Land-holders in those grounds and Marshes, within the said limits, except before excepted, not favouring any person therein; to endure and be observed for ever as followeth.

1 The Statutes and Ordinances of Sir *John Fogge*, Knight, and his Fellow Justices.

First it was decreed and ordained by the said Justices, with the consent aforesaid; that thenceforth and for ever, there should be, within the Lands and Marshes aforesaid, within the limits aforesaid (except before excepted) two Bayliffs, twenty four Jurats, two Collectors, and two Expenditors, of the Land-holders within those limits (except before excepted) for the preservation, safeguard, and defence of the said Lands and Marshes (except before excepted) and of the Banks belonging thereto: By the consideration of which said xxiiij *Jurats, ten or eight of them at least, the said Lands and Marshes (except before excepted) ought to be governed, kept, defended, and preserved from the peril of the Sea, and inundation of the fresh maters, by Banks, Water-courses, and other necessary means. And for execution of that their Statute and Ordinance in this behalf, the said Justices, by the said assent, upon the said Friday, at* **Lyde** *aforesaid, did nominate, choose, ordain, and constitute, of the Land-holders, within those limits (except before excepted)* Henry Bate, *and* Simon Godard *Bayliffs*; Andrew Bate, John a Bregges, *and others, Jurats*; Peter Fermour, *and* Will. Aleyn, *Collectors*; *and* Stephan Lovecock, *and* John Inglet, *Expenditors, of and in those Lands and Marshes, except before excepted, for the preservation, safeguard, and defence of those Lands and Marshes (except before excepted) and the Banks thereof. And the said Bayliffs,* xxiiij *Jurats, Collectors and Expenditors, so named, chosen, ordained and constituted, personally and severally before the said Justices, upon the same Friday at* **Lyde** *aforesaid, did take their Oaths, and were chardged,* viz. *every of them to his Office, and to all which thereto pertained or should pertain in that businesse, to do, exercise and perform well and faithfully; that is to say, the said Bayliffs*

liffs, according to the form and effect of the Oath of the Bayliffs, whereof mention is hereafter made; and the before-ſpecified xxiiij Jurats, according to the form and effect of the Oath of the Jurors, afterwards alſo recited; and the ſaid Collectors, according to the form and effect of the Oath of the Collectors, afterwards likewiſe noted; and the ſaid Expenditors, according to the form and effect of the Oath of the Expenditors, in like ſort hereafter ſpecified.

2 Alſo, foraſmuch as it did evidently appear to the ſaid Juſtices, by the view and Inquiſitions aforeſaid, made and taken in form aforeſaid; that the ſaid Banks, called **Symondes Wall** and **Kent Wall**; and alſo the ſaid Banks of thoſe Marſhes, called **Eſt merſh** and **Becard**, within the limits aforeſaid, were defective, and broken in divers parts, to the great peril of inundation, thereby like to befall all the ſaid Lands and Marſhes, within the limits aforeſaid (except before excepted) unleſſe a ſpeedy remedy were applyed; it was ordained and decreed, by the conſent aforeſaid, that the ſaid Banks, ſhould be ſufficiently repaired and new made with all poſſible haſte, and ſo repaired and made new, to be kept and continually maintained for the defence and ſafeguard of the ſaid Lands and Marſhes, within the limits aforeſaid, except before excepted.

3 And as to the reparation and renewing of the ſaid Banks, called **Symondes Wall**, and **Kent Walle**, to be forthwith, for the preſent, made; it was upon certain reaſonable conſiderations moving the ſaid Juſtices, decreed and ordained, by the conſent aforeſaid; that every perſon having Land within the ſaid Banks called **Symondeſwalle**, and **Kent Walle**, and the Bank called **Goreſwalle**, within the limits aforeſaid, for every acre of his Land there: And likewiſe every one having Lands in the Marſh called **Ockolt**, within thoſe limits, for every Acre of his Land there, ſhould pay two pence more than any other Land-holder within the Marſhes aforeſaid, except before excepted, ſhould pay for one acre there, to the aſſeſſing of the Tax, for the inſtant repair and new making of thoſe Banks, called **Kent Walle**, and **Symondes Walle**: And then afterwards for ever, according to the Ordinances and Statutes of **Romeney** marſh aforeſaid, all the Land-holders, within the Lands and Marſhes aforeſaid (except before excepted) for the time being, equally to contribute, to the repair, maintenance and cuſtody of all the Banks of thoſe Lands and Marſhes, within the ſaid limits (except before excepted) for the repairing, ſuſtaining, and making what ſhould be for the defence and ſafeguard thereof; viz. every of the ſaid Tenants according to the proportion of his tenure, and number of his Acres and Perches there: And that the reparations, ſcowring, and making, of all the Sewers, Ditches, Water-gangs, Gutters, and Bridges in the ſaid Lands and Marſhes, within the limits aforeſaid (except before excepted) then being, or to be made for the ſafeguard and defence of the ſame, ſhould be done at the chardge and expenſes of ſuch, as antiently they had wont to be. East Kent.

4 Alſo it was ordained and decreed, that it ſhould be lawful for the Bayliffs, Jurats, Collectors, and Expenditors of the Lands and Marſhes aforeſaid, within the limits aforeſaid (except before excepted) for the time being, and for every of them; and to all Labourers and Workmen imployed about any work to be done for defence and preſervation of thoſe Marſhes (except before excepted) to go, ride, drive, and carry upon and over the Land called the inner Forland and outer Forland of every Bank within thoſe precincts (except before excepted) or the Land lying neereſt to that Bank; and in other places whereſoever within thoſe limits (except before excepted) where it ſhould ſeem good to the ſaid Bayliffs and ten or eight of the Jurats aforeſaid, to do and perform ſuch things, which do or ſhould belong to their Offices, or to do that work in ſuch ſort, as in the like caſe had wont to be done in **Romeney** Marſh; and as it ſhould be expedient to be done for the putting the Statutes and Ordinances in execution, which had been or ſhould be made by the ſaid Juſtices.

And if it ſhould happen, that any Land-holder, within thoſe Lands and Marſhes (except before excepted) who ought to contribute to the premiſſes, for his Lands therein, in form aforeſaid, to be deprived or hindred of any way, to go, ride, drive, or carry to his Lands there, or other Lands adjoyning, by reaſon of the inundation of ſalt water, or the raiſing of any Bank, or other thing for the defence and ſafeguard aforeſaid, there made, or to be made; or ſo to be ſtopped or prevented, that he could make

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uſe of the ſaid way; and having no other paſſage either to go, ride, drive or carry, in form aforeſaid; it ſhould be lawful to him for the future, during the time of ſuch his hinderance, to go, ride, drive and carry upon and over the Land called the inner Forland adjoyning to the Bank, or Banks, whereſoever in the ſaid Lands and Marſhes, within the before-mentioned limits (except before excepted) where he ſhould think moſt meet, to go, ride, carry, and drive to his Land there, or to his adjacent Land; and over the ſaid Bank or Banks, overthwart them, to ſuch his Land, without the impediment of any perſon whatſoever; repairing and maintaining at his own proper chardges the ſaid Bank or Banks ſufficiently, in that part, where he the ſaid Land-holder ſhould ſo happen to go, ride, drive, or carry.

5 *Alſo it was decreed and ordained; that twice every year, for ever, there ſhould be held a principal and general* Laſt, *within the ſaid Land and Marſh, except before excepted, by the ſaid* xxiiij *Jurats for the time being, or ten or eight of them at the leaſt,* viz. *once within the* xvme *of* Eaſter, *and again within the* xvme *of S.* Michael *the Arch-Angel, at* Brokland, *or in another place within the precinct of thoſe Lands and Marſhes, except before excepted, to be ſummoned and appointed by the Bayliffs aforeſaid, for the time being: and that other ſeveral* Laſts *ſhould be there held, when and as often as there might be occaſion, by the ſummons of their Bayliffs.*

The manner of chooſing the Bayliff.

6 *Likewiſe it was decreed and ordained, that the ſaid Jurats, Collectors and Expenditors, choſen, conſtituted and directed, as aforeſaid, ſhould be Bayliffs, Jurats, Collectors, and Expenditors, in form aforeſaid: And that if, and as often as any of the Bayliffs,* xxiiij *Jurats, Collectors or Expenditors, of and in the ſaid Lands and Marſhes, within the before-mentioned limits (except before excepted) for the time being, ſhould deceaſe, or be removed from his Office; that then in the room of the ſaid Bayliff ſo deceaſing, or removing, another of the Land-holders and reſidents within thoſe Lands and Marſhes (except before excepted) to be choſen and conſtituted by the common aſſent of the Lords of the Fees, having authority there for that time, or by their Attornies. And where the greater number of them ſhould conſent, the ſaid election to ſtand in the ſaid principal and general* Laſt, *to be held in form aforeſaid; unleſſe upon neceſſity or cauſe reaſonable, any of thoſe Bayliffs, for the time being, ſhould ſooner, within the ſame year, be removed; and that it were expedient, before the ſaid principal and general* Laſt *ought to be held in form aforeſaid, that another were put in his place; and that then an election be made of a Bayliff, in form aforeſaid, in any other* Laſt, *as aforeſaid to be held. So likewiſe in the ſtead of any of the ſaid* xxiiij *Jurats, Collectors, and Expenditors, ſo deceaſing, or removed from his Office, as aforeſaid, another of the ſaid Land-holders and reſidents to be choſen and conſtituted; ſo that the ſaid election be made, by the ſaid Lords of the Fees and Bayliffs, and ten or eight of the Jurats aforeſaid, out of the moſt truſty, diſcreet and wealthy Land-holders, within thoſe Lands and Marſhes, except before excepted.*

The Penalty of the Bayliff elected, not conſenting thereto.

Alſo it was decreed and ordained, that if 7
the Bayliff ſo choſen ſhould be preſent, and would not undergo and take upon him the ſaid Office, or ſhould refuſe to take his Oath in that behalf; that for ſuch his refuſall he ſhould be amerced in xl^s^. *to be levyed of his Goods, and Catalls, Lands, and Tenements, whereſoever they ſhould be within the County of* Kent, *to the common benefit, reparation, and maintenance, as aforeſaid, and other things to be performed by the ſaid Bayliffs: and then that forthwith there be a new election of a Bayliff made in the ſaid* Laſt, *in form aforeſaid, inſtead of him that ſo refuſed; who ſhould take his Oath in manner before ſpecified, and undergo the Office.*

How thoſe that are abſent in the general or principal *Laſt* ought to be amerced.

Alſo it was decreed and ordained, that if 8
any one of the ſaid xxiiij *Jurats ſhould make default in any ſuch general and principal* Laſt, *to be held in form aforeſaid, unleſſe he had a reaſonable and allowable excuſe, he ſhould be amerced in* xij^d^. *to the common profit aforeſaid, to be levyed by the before-ſpecified Bayliffs.*

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The penalty of the Collectors, Jurors, and Expenditors not submitting to their election.

9 *Also it was farther decreed and ordained, that if any one, being of the before-mentioned* xxiiij *Jurats, Collectors, or Expenditors, in form aforesaid, who did refuse to accept of the said Office, and to take his Oath on that behalf, he should be amerced in* xx^{s}. *to be imployed to the benefit aforesaid, and to be levyed by the said Bayliffs; and forthwith another made choice of in his stead, in form aforesaid. And if the said Jurats should be summoned within those limits (except before excepted) to be at the said several or special* Last, *to be held in form aforesaid; where at the least eight or ten did not come, so that such Judgements and Decrees, for the safeguard of the said Lands and Marshes (except before excepted) could not be made, for want of a greater number of the said Jurats so absent, that then every one of the said Jurats, so absent, to be amerced in* vi^{d}. *to the common benefit aforesaid, to be levyed and expended by the Bayliffs of those Marshes: Of which said amerciaments, and other the like above specified, the said Bayliffs to make accompt for, in the said principal* Last *in form aforesaid.*

The receiving of double, by the Bayliff.

10 *Also it was decreed and ordained, that the said Bayliffs for the time being, should have for their pains, the doubles so to be levyed; which did happen to be assessed and gathered in their times, to be equally divided amongst them.*

The penalty of hindring the Bayliffs, so that they dare not exercise their Offices.

11 *Also it was decreed and ordained, that if the before-specified Bayliffs, chosen as aforesaid, or to be hereafter chosen, were hindred by any, so that they being elected, durst not undergo and exercise that office: that then such hinderers to be severally punished by the Electors of the said Bayliffs, in such sort as any of the said Bayliffs elected should be punished, in case he refused to take his Oath and undergo that Office.*

In what sort he that is absent, and chosen Bayliff, ought to be compelled to receive his Office.

Also it was decreed and ordained, that 12
if it should happen that either the persons chosen, or to be chosen Bayliffs, in form aforesaid, to be absent at the time of such their election, that the parties so chosen should be forthwith distrained, by the said Jurats for the time being, or some of them, by all their Goods and Catalls, which ought to be impounded in certain places for that purpose to be assigned; and there detained, untill they did repair to the Archbishop of **Canterbury**, *the Prior of Christs-Church in* **Canterbury**, *or the Abbot of* **Robertsbrigge**, *for the time being, or some one of them, and accept of the said Office, and take their Oaths thereupon; and upon this did bring the Letters of the said Archbishop, Prior, and Abbot, or one of them, sealed, unto the preceding Bayliffs; or the said Bayliffs being dead, then unto two of the said* xxiiij *Jurats; and this within six dayes next after the said distresse so taken: otherwise to be punished, as is before expressed of the said Bayliffs so refusing; and then to be a new election at some other* Last *there to be held.*

In what sort the Collectors and Expenditors should render an Accompt of their Receipts.

It was also decreed and ordained, that at 13
both of the said principal and general Lasts, *yearly, all the Collectors of all the precedent general assessments, within the limits aforesaid, except before excepted; and the Expenditors of whom mention is before made, should make their Accompt before the Lords of the Fees above-specified, or their Attornies, in case they be present; and before the the said Bayliffs; and those of the said Jurats and Commonalty, of the said Lands and Marshes, within the precincts aforesaid (except before excepted) and the said Accompt to be made in writing, by Indenture betwixt them and the said Bayliffs, Jurats, and Commonalty: And in like manner at either of the said principal and general* Lasts, *there should be yearly made an Accompt of the Bayliffs aforesaid, before the said Lords of the Fees or their Attornies, if they would be present thereat, and before those of the Jurats*

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rats and Commonalty as would also be there present; viz. of those things whereof it should happen, or concern the said Bayliffs to make Accompt; that is to say, to be made by Indentures betwixt them the said Bayliffs, and the said Jurats & Commonality.

The Oath of the xxiiij Jurats.

14 It was likewise decreed and ordained, that every one of the said xxiiij Jurats, to be elected in form aforesaid, should swear; that he, together with his Fellows, would make right Iudgements, Decrees, and Awards; not favouring any rich or poor, aswell for making distresses, and assessing of Taxes, as of the Banks, Land waters, Water-courses, Sewers, Ditches, Gutters and Bridges, to be made, repaired and maintained, or taken away; and of all other impediments whatsoever within those limits, which should happen to be removed; and for punishing offenders. And it was farther ordained, that the said xxiiij Jurats should make, exercise and perform; and have full power and authority in making, exercising and performing, all and singular the things specified in the said Oath, to be by them done, exercised and performed.

That the xxiiij Jurats be observant to the Bayliff.

15 Also it was decreed and ordained, that the said Jurats, or three or two of them, should attend the Bayliffs for the valuing and selling in places accustomed, or that should be thereafter assigned for that purpose, the distresses taken, and impounded for three dayes at the most: and that they should cause to be enrouled all Iudgements, Decrees, and Awards, by them made; and cause Indentures thereupon to be made betwixt themselves and the said Bayliffs, for the time being.

The Oath of the Collectors and Expenditors.

16 It was also decreed and ordained, that the Collectors and Expenditors, to be chosen as aforesaid, should swear, that they would faithfully levy, collect, expend and Account, in form aforesaid, for all Taxes assessed, or to be assessed before the said Lords of the Fees, and by the said Bayliffs, and ten, or eight at the least, of the Jurats aforesaid, according to their Ordinance: And the like observance to be made in all Sewers within the before-specified limits (except before excepted) before the Lords of the Fees, touching every such Sewer, if they would be present thereat. And it was ordained and decreed, that the said Collectors and Expenditors should make, exercise, and perform; and have full authority and power of making, exercising and performing all and singular the things specified in this Oath to be done, exercised and performed.

The Oath of the Bayliffs, and executions to be made by them.

17 It was also decreed and ordained, that the said Bayliffs, chosen or to be chosen as aforesaid, should swear to make faithfull execution of the Judgements and Determinations of the said xxiiij Jurats, ten or eight of them; and of those things which did or should belong to them to judge, determine and award. And that the said Bayliffs, in their proper persons, should chardge all the Collectors, aswell of the general Assessment, as of the several (as aforesaid) upon their Oaths, that they should faithfully levy, collect, expend, and accompt for the same. And that the same Bayliffs, in their proper persons, should take view of all the Banks, Watergangs, Sewers, Gutters, and Bridges, within the before-specified limits, except before excepted, as often as need required, at least twice in the year; viz. once in the moneth of January, and again in the moneth of May. And that they, at the going out of their Office, should deliver unto their successors all the evidences in their custody; that is to say, the Charters of the Kings of England, if they had any such in their hands; the Ordinances and Statutes of the Lands and Marshes within those limits before-specified (except before excepted;) the Copies, or Exscripts of the said Statutes and Ordinances; the Roules of Judgements, Considerations, Decrees, and Awards of the said xxiiij Jurats, ten or eight of them; and the Rents, with all the processe of Accompts of the Bayliffs, Collectors, and Expenditors whatsoever, had in their time. And it was also decreed and ordained, that the same Bayliffs should do, exercise, and perform, and have full power and authority of doing, exercising and performing all and singular the things specified in this Oath, which were for them to be done, exercised or performed.

The

18 That Dams or Fords be not made.

It was likewise decreed and ordained; that it should not be lawful to any one, for the future, in the said Lands and Marshes, within the limits aforesaid (except before excepted) to make Dams, or other impediments in any Lands, or Land-eas, Water-gangs, Ditches, or common Gutters there, whereby the common course of the waters might in any sort be hindered, or any publick damage grow there: and if any such thing were done, and the same witnessed by the said Bayliffs, and six of the said xxiiij *Furats, the party delinquent be amerc'd, and the amerciament levyed by the said Bayliffs, to the common profit aforesaid. And moreover, if any other than the Commonalty of those Lands and Marshes, within the said limits, except before excepted, did receive prejudice therein, he should make satisfaction to the party wronged, at the discretion of the said Bayliff and six Furats aforesaid.*

That the Taxes Assessed be proclamed.

19 *It was also decreed and ordained, that every Tax assessed in the said lands and Marwithin those limits, except before excepted, be publickly proclamed in certain places there: and that the dayes and place of payment be thereupon assigned and proclamed, to the end that ignorance may excuse none, when and where, within the precincts aforesaid those Taxes ought so to be paid.*

The buying of Acres.

20 *It was also decreed and ordained; that every Acre in the said Lands and Marshes, within the limits aforesaid (except before excepted) being necessary for the Banks, in-Ditches, and water-gangs to be therein made, should be bought for* xl^{s}. *and measured by a rod of twenty foot: And that if before that present Friday, any Bank called a* **See Wall**, *should be raised within those Lands and Marshes (except before excepted) upon, or of, any mans land there; or that any Forland, or in-ditch should be made for the defence and safeguard of the said Lands and Marshes (except before excepted) from the peril of the Sea; and that it were fit or expedient, that the said Bank, Forland, or in-ditch, for this defence and safeguard, to be longer maintained and kept, so that the Land-holder upon whose ground that Bank was raised, or where the said Forland or in-ditch were made, could not occupy the said Land, and receive his peculiar profit thereof; and that such Tenant had never any satisfaction for the said Land; it was decreed and ordained, by the consent aboveSaid, that the same Bank, Forland, and in-ditch should be raised and kept in form aforesaid, as long as it should be meet so to be done for the safeguard & defence aforesaid: And that for every acre, of the common measure,* xl^{s}. *as aforesaid, be paid to the Tenant of the said land, where the same Bank, Forland, or in-ditch was so placed.* East Kent.

And if it should happen so hereafter, that there were any other defence, on the out-side the said Bank and Forland, by the casting up of the Sea, or otherwise, to be made, for the avoiding the danger of the Sea; so that thenceforth there were no need of maintaining any such Bank, Forland, or in-ditch; nor longer keeping thereof in form aforesaid; it should then be lawful for the said Land-holder and his Heirs to repossesse his said Land again, and use it as he pleased, paying to the Bayliffs aforesaid, for the publick commodity, asmuch as ought to be paid to the said Tenant for the same Land, in form aforesaid. And in like manner to be done concerning the Land upon which or where any Bank, Forland or in-ditch, by virtue of the Statutes and Ordinances aforesaid, within those limits, should happen to be made, in form aforesaid to be avoided. And that it should not be lawful for any man to take away to his own peculiar work, or any other place, any workmen imployed in the publick work, for the safeguard of the said Lands and Marshes, except before excepted; before such time as the said publick work were compleated: And if it hapned that any person were convicted hereupon, by the testimony of the said Bayliffs, and six of the said Furats, that he be amerced in the common Last in x^{s}, *which money to be levyed forthwith by the said Bayliffs, to the common utility aforesaid.*

Likewise it was decreed and ordained; 21 *that all the Sewers in the said Lands and Marshes, within the limits aforesaid, except before excepted, should be so kept in every place, that the water might not run out of it's right course there, to the damage of any one; upon penalty of the quantity of the offence; to be levyed by the said Bayliffs to the common benefit, as often as any one should in the prin-*

East Kent. pal and general Laſt, be convicted thereof, by the teſtimony of the ſaid Bayliffs, and ſix of the ſaid xxiiij Jurats.

22 And it was alſo decreed and ordained; that the Bayliffs, Jurats, Collectors, and Expenditors of the ſaid Lands and Marſhes, within the before-ſpecified limits (except before excepted) ſhould, for the time being, do and execute, and have full authority and power of doing and executing, within the ſaid Lands and Marſhes (except before excepted) viz. in the premiſſes and all other things, for the continuall conſervation, defence, and ſafe cuſtody of thoſe Lands and Marſhes (except before excepted) and of the ſaid Banks, and other things, fit and profitable for the defence, ſafeguard and cuſtody thereof; viz. in making orders and doing other things in the Laſts aforeſaid, in laying of Taxes and Lots, and the taxing and levying of them, their wanes, and double taking of diſtreſſes; detaining, prizing and ſelling thereof; choice and removal of all Officers; as alſo of impoſing of penalties and puniſhments; and of all other things neceſſary and profitable for the ſafeguard and defence of the ſaid Lands, Marſhes and Banks (except before excepted) and of all other things proper for thoſe ſafeguards and defences; viz. according to the form of the Ordinances and Statutes aforeſaid; and in ſuch ſort, as according to the form of the before-mentioned Statutes, Ordinances, and Cuſtomes of the ſaid **Romeney marſh**, and the Conceſſions for the preſervation, defence, and ſafe cuſtody of the ſaid Marſh of **Romeney**, had uſed there to be done; no Cuſtome, by any perſon formerly introduced, notwithſtanding.

Provided alwayes, that if hereafter, at any principal and general Laſt, within the limits aforeſaid, in form aforeſaid, it ſhould ſeem more expedient to the Lords of the Fees, within thoſe limits (except before excepted) for the time being, or the greater part of the Lords of the Fees, to have one Bayliff, than two, of and in the ſaid Lands and Marſhes (except before excepted) to do and exerciſe all things there according to the form and effect of the Oath and chardge of the Bayliffs above ſpecified; that then it ſhould be performed in that behalf, as it ſhould happen to be ordained and decreed by the ſaid Lords of the Fees, or the major part of them. And in like ſort, if thenceforth it ſhould ſeem more expedient to the ſaid Lords of the Fees, or the greater part of them, and to the ſaid Jurats, or the major part of them, to have fewer Jurats than xxiiij, or one Collector, and not two; or one Expenditor, and not two, of and in the Lands and Marſhes, within the limits aforeſaid (except before excepted) to do, exerciſe and perform in the premiſſes, according to the form and effect in the Oaths of the ſaid Jurats, Collectors, and Expenditors ſpecified; that then thereupon it ſhould be ſo done on that behalf, in ſuch ſort by the ſaid Lords of the Fees, or the major part of them, and the ſaid Jurats, or the major part of them, as ſhould happen to be ordained, done, or decreed, any thing in the premiſſes notwithſtanding.

The Penalty of making reſcue from the Bayliffs, xxiiij. Jurats, or any of the Officers aforeſaid.

23 It was likewiſe decreed and ordayned; that if any perſon ſhould make reſcue, or give reſiſtance to any ſuch Bayliff, Jurat, Collector, or Expenditor, of any diſtreſſes whatſoever taken or to be taken; or any other things, to be done or executed by them or any of them, through pretext of the Ordinances and Statutes aforeſaid, or any of the premiſſes: and that thereupon the party were convicted by the teſtimony of the ſaid Bayliff and ſix or eight of the ſaid Jurats or Dike-Reeves, where any ſuch diſtreſs ſhould happen to be taken; he ſhould be puniſhed by an amerciament of x^{s}. of his goods and Catalls, Lands and Tenements, by the Bayliffs aforeſaid, to be levyed for the common profit aforeſaid.

24 And it was farther decreed and ordayned; that no Shireeve, nor any of the King's Officers, ſhould make Replevin of any diſtreſſes taken by the Bayliffs of the ſaid Lands and Marſhes, within the limits aforeſaid (except before excepted) which ſhould be for that time, for any thing contained in the ſaid Statutes and Ordinances, taken or to be taken: nor any of the ſaid King's Officers to arreſt any one within thoſe limits (except before excepted) being then in the publick work.

25 And laſtly it was decreed and ordained; that if and when any Tax ſhould be aſſeſſed by the ſaid Jurats, ten, or eight of them, in any principal, ſpecial, or ſeveral Laſt, within the limits aforeſaid, (except before excepted) by reaſon of the premiſſes; and proclamed in form aforeſaid: and that at the day and place of payment, thereupon limitted and aſſigned, any part of the ſaid Tax were unpaid to the ſaid Collectors; that then

then the ſaid Bayliffs, for the time being, ſhould lay out of their own proper moneys, ſo much as the part ſo being in arear, called **Wanys**, *might amount unto, for the common profit aforeſaid: And the ſaid Bayliffs, aſwell for the ſaid parcell, ſo in arear, called* **Wanys**, *as for the double thereof, to diſtrain in all the Lands and Tenements of him or them, who ought to pay the ſame, by all their goods and Catalls; and the diſtreſſes ſo taken to keep for three days, or more. And if the ſaid part ſo being in arear, called* **Wanys**, *together with the double thereof, ſhould not be paid within the ſaid three days; that then the goods and Catalls ſo diſtrained, by two or one of the Jurats aforeſaid, to be ſold in ſome place within the ſaid limits (except before excepted) thereunto aſſigned: and the ſaid part ſo in arear, called* **Wanys**, *together with the double thereof, out of the money ariſing of the ſaid goods and Catalls ſo ſold, to be delivered to the ſame Bayliffs to their own uſe.*

And having now done with theſe Laws and Ordinances for thoſe Marſhes beforeſpecified, I ſhall ſay no more concerning this part of **Kent**, but that in 19 *E.* 4. the King by his Letters Patents, [c] dated at **Oburne** 17° *Junii*, directed to *Thomas* Archbiſhop of **Canterbury**, Cardinal of **England**; *will.* Prior of *Chriſt-Church* in **Canterbury**; *Richard* Prior of **Holtone**; *Robert* Prior of **Bilſyngtone**; *William*, Maſter of *God's houſe* in **Dover**; Sir *John Fogge*; Sir *William Haute*; Sir *John Scotte* Knights. *Will. Cheyne*, *John Broomſton*, *Hen. Hoorne*, *Gervaſe Hoorne*, *John Fyneux*, *Vincent Fynche*, *Reg. Brent*, *Wil. Brent*, & *John Netherſole*, conſtituted them Commiſſioners for the view and repair of the Banks *&c.* from **Appuldoure** to **Cawmbury**; and from **Cawmbury** to **Fulſtone**, then ruinous by the violence of the Sea: and to make Laws and Ordinances for the ſame, according to the Laws and Cuſtomes of **Romeney marſh**. And laſtly to take ſo many Diggers and other Labourers to be imployed therein, upon competent ſalaryes, as ſhould be thought requiſite, in reſpect of the urgent and inſtant neceſſity of the work.

[c] Par. 19 *E.* 4. p. unica. m. 22. in dorſo.

The Marſhes on Thames.

Cap. XIII.

I Now come to the remanent Marſhes in this County, which are thoſe that border on the River **Thames**: Concerning which, the firſt mention that I find, is in 8 *E.* 2. *John Abel*, and *John de Hortone*, being then, by the Kings Letters [d] Patents, dated the 10th of *April*, at **Wyndſore**, conſtituted Commiſſioners for to view and take order for the repair of the Banks, Ditches, *&c.* for the ſafeguard of thoſe, from the overflowing of the Tide, which lye betwixt **Dertford**, **Flete**, and **Greenewich**. And not long after this (for it was in *February* enſuing) *John de Iſeld*, *John de Hortone*, and *will. de Northo* had the like Commiſſion [e] for the very ſame Marſhes.

[d] Par. 8 *E.* 2. p. 2. m. 20. in dorſo.

[e] Par. 9 *E.* 2. p. 1. m. 5. in dorſo.

In 13 *E.* 2. *John de Evredon* and *John Abell* were alſo appointed [f] to view the broken Banks betwixt **Greenewich** and **London**-Bridge; and to apply ſpeedy remedy for their repair. In 15 *E.* 2. *Robert de Bardelby*, *Will. de Leiceſtre*, *John de Merton*, and *Robert de Kelleſteye* had the like aſſignation [g] for the view of a certain breach then newly made in the Bank betwixt **Greenewiche** and **Wolwiche**, by the violence of the Tides; and to provide for the ſuddain repair thereof. And the next year following *Robert de Aſhele*, and *Robert de Swaleclyve* were made [h] Commiſſioners for the view and repair of thoſe about **Greenewiche**, and the parts adjacent.

[f] Par. 13 *E.* 2. m. 12. in dorſo.

[g] Par. 15 *E.* 2. p. 1. m. 18. in dorſo.

[h] Par. 16 *E.* 2. p. 2. m. 15. in dorſo.

In 17 *E.* 2. there hapning another breach betwixt **Greenewiche** and **Wolwiche**, *Robert de Bardelby*, *Will. de Leyceſtre*, *Robert de Kelleſey*, and *John de Merton*, were appointed [i] to view the ſame; and to diſtrain all thoſe perſons, through whoſe default it had hapned, to the making good thereof: Farther enjoyning them; that if they ſhould find the perſons, through whoſe neglect it came, not able to repair it ſo ſpeedily as that the damage and peril, which would be occaſioned thereby, might be prevented; that then they ſhould diſtrain all thoſe which had Lands and Tenements in thoſe parts, who might have ſafeguard by the

[i] Par. 17 *E.* 2. p. 2. m. 13. in dorſo.

The Marſhes on Thames.

making up of that breach, to the end that they ſhould contribute thereto.

Within two years after, the King being informed of another breach in the Bank above **Greenewiche**, towards **Bermondſeye**; which, through the violence of the frequent tides, and neglect of ſome perſons, who were obliged, in reſpect of their lands in the adjacent Marſhes, to have made good, upon all occaſions; had then newly hapned, to the great damage of all thoſe that had lands there; did aſſign [k] *Adam de Brom*, *William de Leyceſtre*, *Laurence de Ruſtyngton*, and *Robert de Kelleſeye*, or any three or two of them, to veiw the ſaid breach, and all other defects in thoſe Banks, which by reaſon of the flouds had hapned; and to enquire by the Oathes of honeſt and lawfull men, of this County, upon whoſe land the ſaid breach firſt began, and through whoſe default; and who ought to repair and maintain the ſaid Banks; as alſo how and in what ſort; and likewiſe what other perſons had Lands, Tenements, or Common of Paſture in thoſe Marſhes, and had or might have defence and ſafeguard by the ſaid Banks in any ſort. And moreover, with the Bayliffs of the Liberties, to diſtrain all thoſe through whoſe default that breach had ſo hapned, and who were obliged to the repair and maintenance of that Bank, according to ſuch a proportion as might be ſufficient to make good the ſaid breach with all poſſible ſpeed. And if it ſhould ſo fall out, that thoſe perſons ſo lyable to the repair thereof, were not able to perfect the work with that haſte as the caſe required; that then, for the avoyding of greater damage and miſchief, to compell all ſuch perſons, who had or might have loſs thereby, to contribute thereto, for that preſent time; every one according to the proportion of what he held, as well in Common of Paſture as Land, not favouring rich or poor therein: And to levy the money upon thoſe, who were obliged to the ſaid repair, ſo as reſtitution might be made to thoſe who had contributed thereto, being not obliged, with all ſpeed that could be.

k Par. 19 E. 2. p. 1. m. 24. in dorſo.

After this, divers years, *viz.* in 10 *E.* 3. I find that *Henry de Secheford*, *Reginald del Dyk*, and *John de Heyton* were appointed [l] Commiſſioners to take view of a certain Sewer, called **Erlethyon**, neer **Greenewich**, and to repair the Sluces thereof where need ſhould be. And in 27 *E.* 3. *Otto de Grandiſone*, *Thomas de Lodelowe*, *Simon de Kegworth*, and *Will. de Roderham*, were aſſigned [m] to take view and make enquiry touching certain breaches in the Banks and Marſhes of **Dertford**, **Erde**, and **Stone**; and of the ſtopping of the Gutters and Sewers there; foraſmuch as by that obſtruction, the Corn ſowed in thoſe Marſhes, as alſo the Meadows and Paſture grounds thereof, became often drowned, by the Tides; And to uſe ſome ſpeedy remedy for the ſame. In that year likewiſe, *Will. Vaghan*, *Richard de Birton*, *Thomas de Ludlowe*, *John de Dielleſton*, and *Simon de Lee* were appointed [n] to overſee the Banks betwixt **Greenewiche** and **Plumſtede**, and to take order for their repair: whoſe Commiſſion bears date the 7th of *May*. And upon the 25 of the ſame month (ſuch was the neceſſity incumbent) the King iſſued out another Commiſſion [o] unto *Will Stury*, *Simmon atte Lee*, and *Roger de Byſhell*, requiring them to take in and impreſt ſuch and ſo many Labourers, aſwell within Liberties as without, for competent wages, as they ſhould have need of, for the repair of thoſe Banks, Ditches and Sewers, between **Greenewiche** and **Plumſtede** aforeſaid; provided that ſuch Labourers were not then imployed in his the ſaid Kings own work, nor retained in the ſervice of others.

l Par. 10 E. 3. p. 2. m. 25. in dorſo.

m Par. 27 E. 3. p. 1. m. 22. in dorſo.

n Ibid. m. 3. in dorſo.

o Ibid. m. 2. in dorſo.

In the next year enſuing, *Otto de Grandiſone*, *Will. de Waure*, *Richard de Stone*, and *John de Rous* were appointed to [p] view the Banks and Ditches adjoyning to the Marſh of **Stone**, then ruinous, through the violence of the Sea, and neglect of the Land-holders therein.

p Par. 28 E. 3. p. 2. m. 15. in dorſo.

In 31 *E.* 3. *Will. de Notton*, *Richard de Birton*, *Thomas de Lodelawe*, *Thomas Moryz*, and *Simon de Keggeworth*, had the like appointment [q] concerning thoſe Banks *&c.* lying betwixt **Greenewiche** and **Dertford**. So alſo in 34 *E.* 3. had *John* the Son of Sir *John Cobham* Knight, *John* the Son of Sir *Raphe Cobham* Knight, and [r] others, for the view and repair of a certain breach of a Bank neer **Stone**, whereby a great part of the Marſh of **Stone**, and the adjacent parts, were overflowed and drowned by the Tides.

q Par. 31 E. 3. p. 2. m. 8. in dorſo.

r Par. 34 E. 3. p. 2. m. 4. in dorſo.

In 36 *E.* 3. *Thomas de Lodelowe*, *Will. de Holdone*, and ſome others, had Commiſſion

f Par. 36 E. 3. p. 1. m. 15. in dorſo. ſion f in like ſort for the view and repair of thoſe betwixt **Grenewyche** and **Plumſtede**.

And in 40 *E.* 3. *John de Cobham* of **Kent**, *Thomas de Lodelowe*, *Thomas Morice*, *John*

t Par. 40 E. 3. p. 1. m. 24. in dorſo. *Dyngeleye*, and others, for t thoſe in the Marſhes of **Dertford** and **Eard**: wherein they were required to proceed according to the Marſh-law.

u Par. 42 E. 3. p. 1. m. 25. in dorſo. In u 42 *E.* 3. *Simon de Kegworth*, *Richard de Norwiz*, *Robert de Eareth*, and others, for the Banks betwixt **Wolwiche** and **Eareth**; and to do all things therein, according to the Law and Cuſtome of this Realm. And in the ſame year, the before-ſpecified *John de Cobham* of **Kent**, *Thomas de Lodelowe*, and *Roger Godcheſtre*, for thoſe in the Marſhes of **Dertford** and **Eard**.

So likewiſe the next enſuing year, had

w Par. 43 E. 3. p. 1. m. 33. in dorſo. w the ſame *John*, and *Thomas*, with *Will. de Halden*, and others, for the Banks in the Marſhes of **Dertford** and **Stone**; and command to hear and determine all things therein, according to the Mariſh Law.

In 47 *E.* 3. the Abbot of **Leſnes**, Sir *Thomas de Lodelawe*, Knight, *Simon de Kegworth*, and *Will. de Horne* had Com-

x Par. 47 E. 3. p. 1. m. 8. in dorſo. miſſion x to view and repair thoſe Banks *&c.* betwixt **Plumſtede** marſh, and the marſh of **Leſnes**. The next year following *John de Whitwell*, *John Chertſeye*, and *John Wroth* junior, had the like Commiſſion, to take view, and ſee to the repair of divers other Banks *&c.* in ſeveral places bordering on the before-ſpecified

y Par. 48 E. 3. p. 1. m. 30. in dorſo. River of **Thames**. And in y the ſame year *Will. de Haldene*, *Roger Dygge*, *Thomas de Shardelowe*, and *Nich. Heryng*, for thoſe in the Marſhes of **Dertford** and

z Ibid. **Stone**. So likewiſe had z *Will. Halden*, *Adam de Bury*, *Nicholas Heryng*, and *Thomas Shardelowe*, for the Banks *&c.* betwixt **Hecham** and **Dertford**.

In 1 *R.* 2. the ſaid *Will. Halden*, *Nich. Hering*, *Will. Horne* and *John Tendre*, were

a Par. 1 R. 2. p. 4. m. 30. in dorſo. aſſigned a to view and take order for the repair of thoſe betwixt **Dertford** and **Grenewiche**; wherein they had direction to proceed according to the Marſh Law. And the next enſuing year *Robert Bealknap*, *Will. Halden*, *Nich. Hering*, and

b Par. 2 R. 2. p. 2. m. 32. in dorſo. *Henry Vannere*, had b the like aſſignation for thoſe Banks *&c.* betwixt **Combe** and **Weſt-Grenewiche**. In 3 *R.* 2. *Robert Bealknap*, *Nich. Hering*, *Thomas Illeſton*, and *Robert Loxle*, had * the like for thoſe betwixt **Grenewiche** and **London** bridge. So c likewiſe in 6 *R.* 2. *John Cobham*, *Robert Bealknap*, *John Philippot*, *John Fremyngham*, *Henry Vannere*, *Will. Brencheſle*, *Thomas Shardelowe*, and *Peter Hereford*, for thoſe in the Marſhes of **Dertford** and **Stone**; and to hear and determine all things therein according to the Marſh Law. And in 8 *R.* 2. Sir *Will. Walworth*, Knight, *Rob. Walbelton*, *Roger Aſhburnham*, *John Olyver*, and *Will. Brynchefle* had d the like aſſignation for thoſe betwixt **Grenewich** and **London** bridge: So alſo had e Sir *John Falleſey* Knight, *Roger Aſhburnham*, *Will. Staunden*, Citizen of **London**, *Thomas de Skelton*, *Will. Brynchefle*, and *John Olyver*; and to proceed therein, according to the Law of the Marſh, and the Laws of this Realm.

In 16 *R.* 2. Sir *John de Cobham* Knight, *Will. Rikhill*, *Will. Makenade*, *Will. Skreene*, *John Colepepir*, *Walt. Roo*, and *Will. atte Wode* had f Commiſſion for the view and repair of the Banks, Ditches *&c.* betwixt **Plumſtede** and **Northflete**, with direction to act therein, according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romeneye** marſh. And the next year following *Will Rikhill*, Sir *Iames de Peckham*, Knight, *Will. Makenade*, and *John Fox* of **Eaſt-Grenewiche**, had g the like for thoſe betwixt **Depford** and **Charleton**, and to proceed therein as aforeſaid. In h 20 *R.* 2. *Will. Makenade*, *Richard Mariell*, *Thomas Friſby*, *John Luſwyk*, *Thomas Arthington*, *Richard Clider-howe*, *Will. Heſille*, and *John Newport*, the like, for thoſe Banks *&c.* in the Marſhes of **Dertford** and **Stone**; and to proceed according to the Marſh Law.

In 22 *R.* 2. *Will. Makenade*, *Robert Oxenbrigge*, *Will. Frye*, *Will. Skreen*, *John Preſton*, *Thomas Lexham*, and *John Hall* were aſſigned i to view and take order for the repair of all the Banks *&c.* betwixt **Wollewyche** and **Suthwerke**; and to act therein according to the Law and Cuſtome of this Realm, and the Cuſtome uſed in the Marſh: and to impreſt ſo many Labourers therein, upon competent wages, in reſpect of the then great and urgent neceſſity, as might ſerve for the performance of that work.

In 1 *H.* 4. *Will. Rikhill*, *Richard Muriel*, *Thomas Erdyngton*, *Will. Creſſewyk*, *John Martyn*, *Will. Heſell*, *John Mayhewe*, and

The Marſhes on Thames.

* Par. 3 R. 2. p. 1. m. 44. in dorſo.

c Par. 6 R. 2. p. 1. m. 31. in dorſo.

d Par. 8 R. 2. p. 2. m. 35. in dorſo.

e Par. 11 R. 2. p. 1. m. 33. in dorſo.

f Par. 16 R. 2. p. 3. m. 14. in dorſo.

g Par. 17 R. 2. p. 2. m. 37. in dorſo.

h Par. 20 R. 2. p. 2. m. 3. in dorſo.

i Par. 22 R. 2. p. 2. m. 2. in dorſo.

The Marshes on Thames.

Solomon Fresthorpe were appointed [k] to view and take course for the repair of those in the Marshes of **Est-Greenewyche, Combe, Charleton** and **Wollewyche**; and to proceed therein according to the Marish Law. And [l] in the same year *John Colepepir, Will. Makenade, Stephan Batenham, John Martyn*, and *John Newport*, for those in the Marshes of **Dertefort** and **Stone**; and to act as aforesaid. In [m] 3 *H.* 4. *John Colepepir, Will. Hesyll, Thomas Lodelowe, John Urban, John Crepyn, John Martyn* and *Thomas Appelton*, for those in **Dertefordе** marsh; and to act according to the Law of the Marsh, and the Law and Custome of **England**.

In 5 *H.* 4. *Will. Brencheſle, Nich. Carreu, Will. Makenade, Will. Aſkham, Robert Oxenbrigge*, and *Thomas Remys*, had [n] the like appointment for those betwixt **London** bridge and **Greenewyche**; and to proceed therein according to the Custome of **Romeney** marsh, and the Law and Custome of this Realm. In 7 *H.* 4. *Wil. Hankford, Thomas Tildeſley, Nich. Carreu, Walter Hoke, Will. Crowemere, John Weſtone*, and *Richard Wakehurſe* had [o] the like; and to act according to the Law and Custome of this Realm. And in 8 *H.* 4. Sir *Arnald Savage* Knight, *George Ballard, Richard Clitherowe, Stephan Bettenhamme, John Martyn, Will. Elys, Will. Notebem*, and *Thomas Ikham*, were constituted [p] Commissioners, as aforesaid, for the view and repair of those Banks *&c.* lying betwixt **West-Greenewyche** and S. *Margarets atte* **Clyve**; and to proceed therein according to the Law and Custome of this Realm, and the Custome of antient time used in **Romeney** Marsh.

In 10 *H.* 4. Sir *John Oldcaſtell* Knight, *George Ballard, Richard Clyderhowe, John Martyn*, and *Iohn Urban*, were constituted, [q] in like sort, for the view and repair of those Banks *&c.* situate betwixt **Greenewyche** and **Depford**, and to perform all things concerning that businesse, according to the Marish Law till then used, and Law and Custome of this Realm. And [r] in 12 *H.* 4. the said Sir *John Oldcaſtell, Iohn Martin, Iohn Urban, Iohn Krepen, Iohn Weſton, Walter Roo*, and *Iames Dyngle*, for those betwixt **Northflete** and **Greenewyche**; and to do all things therein according to the Law and Custome of **England**.

In 15 *H.* 6. *Richard Bamme, Reginald Pekham, Iohn Bamburgh, John Chymbeham, Rob. Reynold*, and *Walter Groveherſt*, [s] for those in the Marshes of **Dertford** and **Stone**, and in **Swainescompe**; with power to make Laws and Statutes for the same, according to the Laws and Customes of **Romeney marsh**, and the Law and Custome of **England**: As also to impreſt as many Labourers *&c.* upon a competent salary, as might accomplish the work, considering the great necessity, in respect of the damage impending.

In 14 *E.* 4. Sir *Edward Nevill* of **Bergenny** Knight, *Iohn* Abbot of **Bermundsey**, *William* Abbot of **Lesnes**, *Wil. Hatteclyf, Iohn Bromſtone, John Grene, Iohn Bam, Roger Appiltone, Rob. Ballard*, et *Iohn Alfegh* were constituted [h] Commissioners for the viewing and repairing the Banks from **West-Greenewich** to **Gravesend**; and to proceed in all things tending thereto, according to the Laws and Customes of this Realm, and the Custome of **Romeney** marsh.

The same year the like Commission [i] was issued, unto *Will.* Abbot of S. *Auguſtines* in **Canterbury**, Sir *Edward Nevill* of **Bergavenny** Knight, *Iohn* Abbot of **Lesnes**, *VVill. Hatclyf, Iames Haute* Esquire, *Iohn Bromſton* Esquire, *Iohn Grene* Esquire, *Richard Page, Iohn Bavyn, Roger Appeltone, Roger Brent, Iohn Alfegh, VVill. Swan, Robert Balard, Roger Shelley, John Netherſole* and *John Hurt*, for those Banks betwixt **Wolwiche**, and **Northflete**; and to act therein as aforesaid.

Howbeit notwithstanding [k] these good Laws and Customes, and the care of the Commissioners in seeing them put in execution, such hath been the backwardnesse of some, that, for want of timely repair of those breaches, which through the violence of the tides, were made in the Banks of **Plumsted, Lesnes, & Erith**; the Marshes of **Plumsted** and **Lesnes**, were not only suffered to be drowned; but, after several Taxes made for regaining of them (and for making a new crosse wall, from the **Thames** to the upland, for inning of the said Marsh called **Plumsted** marsh, and a certain number of Acres in the levell and Marshes of **Lesnes**; and defending them from the overflowing of the water, which entred at

k Par. 1 H. 4. p. 6. m. 13. in dorso.
l Par. 1 H. 4. p. 8. m. 13. in dorso.
m Par. 3 H. 4. p. 2. m. 8. in dorso.
n Par. 5 H. 4. p. 1. m. 29. in dorso.
o Par. 7 H. 4. p. 1. m. 34. in dorso.
p Par. 8 H. 4. p. 2. m. 5. in dorso.
q Par. 10 H. 4. p. 1. m. 13. in dorso.
r Par. 12 H. 4. p. 1. m. 23. in dorso.
s Par. 15 H. 6. p. 1. m. 17. in dorso.
h Par. 14 E. 4. p. 1. m. 20. in dorso.
i Ibid.
k Rot. Parl. de anno 22. H. 8. n. 10. cap. 3.

at Erith breach; and for further maintenance of the old Marsh-walls by the Thames side, from the said new crosse wall nigh unto Wolwiche) divers that were assest, paying not their proportion, the same Marshes and level would have been irrecoverably lost, had not the Bayliff of the Marsh and others, by his assignment, laid down the money: For recovery therefore of the said Assessments, and the better levying of such summs of money, as had been before imployed for the inning and defence of those Marshes; upon complaint made in Parliament, in 22 *H.* 8. it was then enacted [l]; that the Bayliff of the Marsh should cause Proclamation to be made upon any *Sunday* afterward, in the Parish Church of Plumstede, for the payment of all such arrears of the said Taxes, within xx dayes then next ensuing; and that he who made payment of the same accordingly, should be discharged of his doubles; otherwise not: And, if the said Tax and Doubles should not be paid by the Feast of S. *Michael* the Arch-Angel then next following; that then every possessor, or Tenant of any lands, lying within the said Marshes, or any other who would pay that Tax to the said Bayliff, his Executors, or Assignes, might enter into the Lands and Tenements, so assessed, and hold the same to himself and his Heirs for ever; except it should be redeemed within three years then next following.

l Ibid.

And in 37 *H.* 8. upon the like complaint made in Parliament, that the Marshes called the New Marshes, & Combe Marshes, in the Parish of East Grenewiche, were often in peril of overflowing, through the neglect of some persons chardgable with the repair of those Banks, which had antiently been raised for their preservation from that danger; it was also enacted [m]; that all and every such person and persons, as then were, or which thenceforth should be owners of the said Marshes, or of any parcell thereof, should at all times, after the end of that Session of Paliament, pay, and be contributory, towards the reparation of the said Marshes from time to time, after the rate of the Acre, as other owners had before that time been chardged: And, that the Expenditors and Collectors, or one of them, from time to time, when any Assessment or Tax should be had or made in that behalf, to distrain the goods and Cattell of such persons, that should refuse to pay after such rate; and the same distresses to retain, keep and use, according to the Laws of Romeney Marsh, in such behalf, of antient time used.

m Ror. Parl. 37 *H.* 8. c. 11.

The Marshes on Thames.

But notwithstanding that care taken by the Act of Parliament of 22 *H.* 8. before recited, touching the Marshes of Erith, Plumsted, and Lesnes; it was represented [n] to the Parliament in 5 *Eliz.* that there was a certain ground, containing about two thousand Acres, lying in the Parishes of Erith, Lesnes, and Plumstede before-specified, which in former times were good Pasture grounds and meadows, but by certain breaches, within the space of xxx years then past, laid waste, by the inundation of the Thames: And that one *Jacobus Acontyus*, an *Italian*, (and servant to the Queen) had undertaken at his own chardges, the recovery thereof, in consideration of a moytie of it, for his chardges: but that the Lords and owners thereof were many, and had several kind of estates therein, whereby their assents and good assurances could not be procured: It was therefore enacted, that the said *Jacobus*, and his assigns, and their Servants, Factors, Labourers *&c.* should, at the costs and chardges of the said *Jacobus*, after the tenth day of *March*, in the year *MDLxii.* for the term of four years, then next following, inne, fence, and win the said grounds, or any parcell of them: And, that, having so won and fenced the same, or any of them; that he the said *Jacobus* and his heirs, or such person or persons, and their heirs, as he or his Executors should nominate, by their writing enrolled in one of the said Queens Courts of Record at Westminster, or by his the said *Jacobus* his last Will and Testament, in consideration of such recompence, should have and enjoy the one moytie thereof, to be severed from the residue within two years next after the said winning thereof, by four or mo discreet Commissioners, to be nominated and appointed by the Lord Chancelour of England, or Lord keeper of the great Seal, for the time being: and being so severed, Lots to be cast for concluding of each proportion to either parties.

n Ror. Parl. 5 *Eliz.* n. 36.

After

The Marshes on Thames.

After which about two years, Queen *Elizabeth* issued out a Commission [o] to *Thomas Wotton, George Moulton* and others, bearing date at .....7 *Eliz.* to enquire, whether the said *James Aconcius*, who so undertook the inning of those Lands, lying in the Parishes of **Erith**, **Lesnes**, and **Plumstede** marsh had, in pursuance of the said Act of Parliament, so held at **Westminster**, 12 *Ian.* 5 *Eliz.* accordingly performed the same; and for which he was to have the inheritance of the one moytie of the said Land so won and inned.

[o] Ex bund. de Seweris in Capellâ Rotulorum n. 16.

Whereupon the said Commissioners certified [p], *ult. Ian.* 8 *Eliz.* that six hundred Acres thereof, were then won, and inned with Walls, Banks *&c.* from the water and floud of the River of **Thames**, according to the tenor of the before-specified Statute.

[p] Ibid.

All which is more particularly taken notice of, by another Act [q] of Parliament, made in the 8th year of Queen *Eliz.* reciting; that whereas the said *Iacobus* did win some part thereof, which was by the violence of the flouds shortly after lost; and being not able to recover the same, he did depute *John Baptista Castilion*, one of the Grooms of the said Queens privy Chamber, *John Gresham* Mercer, *Francis Robinson, Richard Young*, Grocers; *Simon Horsepoole*, and *Henry May*, Drapers (Citizens of **London**) at their costs and chardges to inne, fence, and win the same, or some convenient portion thereof: by authority of which deputation, they the said *John, John, &c.* did inne and win part thereof, containing about six hundred Acres; whereof a division was made, and the one part, called the **Eastmarsh**, alotted to the said *Iacobus*, and his assigns; and the other, called the **Westmarsh** to the owners *&c.* Which part called the **Eastmarsh**, he the said *Iames* assigned to the before-mentioned *John, Iohn &c.* in consideration of their chardge, which amounted to five thousand pounds: Whereupon it was enacted, that the said *Iohn Baptista Castilion*, and the rest of the undertakers above-mentioned, should have and enjoy the same, to them and their heirs for ever; to be held of the chief Lord of the Fee, by such services as it was formerly held: And moreover, that they should have power to inne and win the rest of the surrounded grounds, from the tenth of *March* next ensuing, during the space of eight years; and being so won, to enjoy a moytie thereof, to be divided by Lots, as in the former Act.

[q] Rot. Parl. 8 *Eliz.* n. 22.

And in 14 *Eliz.* by an Act [r] of Parliament then made, which recited the former Acts; and that six years of the eight years before limited, were expired, and yet the work not finished; it was farther enacted, that he the said *Iohn* and the rest of the undertakers, should have eight years more, from the tenth of *Iune* following the date thereof, for to accomplish their work in: and to have the moytie thereof so won, and divided as aforesaid.

[r] Rot. Parl. 14 *Eliz.* n. 15.

And after this, *viz.* in 23 *Eliz.* by another Act [s] of Parliament at that time made, and reciting all the before-mentioned Acts: as also, that whereas since the making of the Statute in 14 *Eliz.* the said said *Iohn Gresham* constituted one *Thomas Allen* to be his assignee; and the said *Henry May* constituted *Walter Fisher* his assignee, to and for the said affairs: and whereas six years, parcel of the said eight years, were almost expired the 8th of *May* in 14 *Eliz.* and thereupon eight years more added to that term as abovesaid. And moreover, that since the making of that Statute in 14 *Eliz.* all the parts of the said undertakers were come to the hands of the said *Iohn Baptista Castilion*, and of *Thomas Smith, George Barn*, the said *Richard Young, Thomas Fisher, Ferdinando Pointz, James Guichardine*, and *Roger James*: And whereas the said eight years were fully expired; and that the inning thereof had by flouds and tempests been hindred, that it could not be finished without longer time: It was therefore enacted, that it should be lawfull for the parties abovesaid, to inne the same within two years, after the end of that present Session of Parliament, and then to enjoy the moytie by such partition as aforesaid; and to take such Reed and Earth upon the premisses, for the inning thereof, as should be most needfull.

[s] Rot. Parl. 23 *Eliz.* n. 13.

And in consideration that they should maintain the Banks of the same, by the space of one whole year after the wining thereof, it was further enacted, that they should have an half of the eighth part of the other half, so won as aforesaid, to be

be divided as aforeſaid: And moreover, that in conſideration of the great chardges in and about the ſame, the premiſſes ſhould be diſchardged of all titles whatſoever, for the ſpace of ſeven years next after the inning, fencing, and winning of the ſame. And that all Shelves and Forelands, then being, or that afterwards ſhould be, betwixt the ſaid Banks and the River of **Thames**, ſhould be kept and maintained at the common chardge of the ſaid owners and Inners, their heirs and aſſigns: and that no Earth or Reeds ſhould be taken from the ſaid Shelves and Forelands, or other thing, to any uſe, than for the repairing of the Banks for defence of the ſaid Marſhes, upon penalty of five pounds for every ſuch offence, to be forfeited to the ſaid Inners or owners, or any of them; who by the ſaid Act were authorized to ſue for the ſame, by Action of Debt, Bill, plaint, or information, in any Court of Records, *&c.*

In the 4th year of King *James*, upon a Petition then exhibited in Parliament, for inning and winning of certain Marſh grounds, lying in the drowned Marſhes of **Leſnes**, and **Fants**, in this County, which had been of long time overflowed: it was enacted[t], that *William Burrell* of **Ratcliff** in the County of **Middleſex** Gentleman (who had covenanted with the owners of thoſe ſurrounded grounds, by Indentures made betwixt them and him, dated the ſeven and twentieth of *February* A° D. 1606. for the conſideration in the ſaid Indenture expreſſed, to do his beſt endeavour therein) ſhould have power to enter upon the work, and to take Reed and Earth in any part of the ſaid drowned Marſh, ſo as he the ſaid *william*, nor any imployed therein under him, ſhould digg within xx Roods of any wall already made within that Marſh: And that immediately after his accompliſhment of the ſame, he the ſaid *william*, his Heirs and aſſignes, to have the one half of all the ſaid grounds ſo to be inned, according to the purport and true meaning of the ſaid recited Indenture (the other moytie to belong to the owners of the ſaid Marſh grounds, according to the ſeveral proportion of their quantities, which they then had in thoſe grounds) to be holden of *Edmund Cooke* Eſquire, his heirs and aſſigns, as of his Mannonr of **Leſnes** and **Fants**, in free Socage; by fealty and one penny Rent for every Acre; and not in chief, nor by Knights ſervice. The Marſhes on Thames.

And that in conſideration of the great chardge of this work, the ſaid inned Marſhes to be diſchardged from all Tithes and Tenths whatſoever, for and during the term of ſeven years next after the inning, winning, and fencing of the ſame.

[t] Rot. Parl. 4 *Jac.* cap. 8.

CAP. XIV.

AND now, though by what hath yet been inſtanced, touching the improvements made by Banking and Drayning, upon the Verge of this River, the firſt Commiſſions, which I have vouched, bear not date above three hundred and fifty years ſince; yet do I make no queſtion, but that this good Huſbandry was far more antient: for notwithſtanding the like Commiſſions, for the defence and ſafeguard of the other Marſhes, ſituate higher upon this ſtream (whereof I ſhall give inſtance by and by) are not much elder; it will, by great circumſtances be evident, that ſome of theſe Banks are not of leſſe antiquity than the time of the *Romans*, here in **Britaine**; otherwiſe how could that antient Borough of **Suthwarke** have been built, the ground whereon it ſtands, being at firſt naturally flat and low, and within the power of the uſual tides, as the adjoyning Marſhes ſtill would be, were not they defended by the like Banks, though now, by reaſon of the vaſt buildings there, which do ſtand upon artificial ground (it being in the nature of a Suburb to that great and antient City of **London**) theſe be little notice taken, that it hath been ſo raiſed: where, beſides divers *Roman* coynes, that are ſtill frequently digg'd up, I my ſelf in the year 1658 ſaw, in thoſe fields (on the backſide of **Winchester** houſe) called **Suthwark** Park, u- Surrey.

The Marſhes on Thames.

on the ſinking of divers Cellers, for ſome new buildings, at about two foot below the preſent levell of the ground, a *Roman* pavement, made of Bricks, not above an inch and an half ſquare; and adjoyning to it a more curious piece, of the like ſmall bricks (in length about ten foot, and in bredth five) wrought in various colours; and in the midſt thereof, betwixt certain borders, in the faſhion of wreathed columns, the form of a Serpent, very lively expreſt in that kind of Moſaique work.

I now come to the Commiſſions. The firſt whereof our publick Records do take notice, is [a] in 23 *E.* 1. which was directed to *John de Metingham*, and *will. de Carleton*, for the view and repair of the Banks *&c.* betwixt **Lambehethe** and **Grenewiche**.

[a] Par. 23 *E.* 1. m. 13. in dorſo.

After this about three years, through the neglect of thoſe, who ought to have maintained the Banks neer **Retherhithe**, the breaches thereof were ſuch, as that a great part of thoſe Marſhes became drowned: Whereupon the King committed the managing of their repair to his truſty and beloved *Will. Haward* (ſoon after one of the Juſtices of his Court of Common Pleas) to whom he aſſigned a certain ſumm of mony for that purpoſe: which not being ſufficient for the accompliſhment of the work, though he the ſaid *william*, even beyond his abilities, added thereto of his own purſe; the ſaid King, by the advice of his Counſail, ordained [b]; that all thoſe Lands, which through the before-ſpecified neglect, were thus overflown and drowned, ſhould be ſeized into his own hands, and committed to ſome ſuch honeſt and truſty perſon, as would be willing to take upon him the chardge of the ſaid repair, and new making of the ſaid Bank; to have and enjoy, by an extent to be made thereof, untill he ſhould reimburſe himſelf, out of the profits of the ſaid Lands, to the full of whatſoever he might lay out upon that work.

[b] Par. 34 *E.* 1. m. 15. in dorſo.

In 2 *E.* 2. *John de Foxle*, *Walter de Glouceſtre*, with ſome others, were aſſigned [c] to take view of a certain breach of a Bank neer **Bermundſey**, and to provide for the repair thereof. In the ſame year it hapned, that by reaſon of the ſaid breach, the Prior and Covent of [d] **Bermandſey**, received great loſſe by the drowning of certain grounds belonging to that Houſe: the King therefore, at the requeſt of *Iſabell* his Queen, granted [e] this favour to the ſaid Prior and Covent, that nothing of the Corn, Hay, or any the Goods or Catalls belonging to the ſaid Priory, ſhould be taken to the uſe of the King, or any other, without the aſſent of them the ſaid Prior and Covent.

[c] Par. 2 *E.* 2. m. 5. in dorſo. [d] [e] Par. 2 *E.* 2. m. 5. in dorſo.

The like breach alſo hapning in the Banks of the Marſhes, in **Suthwarke**, which not long before pertained to the Knights *Templars*, but then were in the King's hands, he being advertiſed thereof, directed his Precept [f], bearing date at **Barwick** upon **Twede** 23° *Maii*, 4 *E.* 2. unto *William de Montalt* (at that time Guardian of thoſe Lands) commanding him, that out of the profits of them, he ſhould cauſe them to be ſpeedily repaired. And in 9 *E.* 2. *Richard de Repham* and *Edmund de Paſſele* were conſtituted [g] Commiſſioners for the view and repair of the Banks *&c.* betwixt **London** bridge, and the Mannour called **Faures-Halle**, as alſo of a certain Bank in the Land of the Biſhop of **Winchester**, in **Suthwerke**; which having been antiently made, for the ſafeguard thereof, was then ruinous and broken: And likewiſe of certain Ditches, whereby the freſh waters had formerly uſed to deſcend into the **Thames**, which were then choak'd up. And to diſtrain all ſuch perſons for the repait of the ſaid Banks and Ditches; who, in reſpect of any lands that they held, or otherwiſe, were obliged thereto.

[f] Clauſ. 4 *E.* 2. m. 7.

[g] Par. 9 *E.* 2. p. 2. m. 7. in dorſo.

In 13 *E.* 2. upon an Inquiſition [h] taken before *John de Everdon*, and *Geffrey de Hertelpole*, then the Kings Juſtices aſſigned to enquire of the defects in repair of thoſe Banks which were ſituate betwixt **London** bridge and **Grenewiche**; the Jury preſented upon their Oaths, that part of a Bank at **Retherhethe**, containing thirteen perches in length, was then broken; and that Sir *John Latimer* Knight, in reſpect of a certain meſſuage that he had there, was and had been chardged with the repair thereof, time out of mind.

[h] Ex bund. de Brevibus & Recordis Wallias &c. tangentibus. n. 3.

It was likewiſe preſented, that at a place there, called **Milnewardſtrete**, there was a Gutter, called **Mouſe goter**,

ſo

ſo obſtructed, that the water which had uſed and ought to paſſe through it into the **Thames**, was ſtopped: and that one *Richard le Chaundeler*, was obliged by right to clenſe and ſcowr the ſame, by reaſon of his Lands there.

And moreover, that there was another Gutter, in the Land lately belonging to *Richard de Dunle*, ſo ſtopped likewiſe; the clenſing whereof belonged to *Agnes* his widow, then Tenant to the ſaid Lands. As alſo, that there was another Gutter, in the grounds, whereof *Richard de Aſhwy* had been lately poſſeſſed; which Gutter being then likewiſe choakt up, did endanger the drowning the adjacent Marſhes: and that the clenſing thereof pertained to the heirs of the ſaid *Richard*. And laſtly, that there was a certain Sewer, called **Dzflete**, paſſing from the water of *S. Thomas*, unto the **Thames**, ſtopt up alſo, for want of clenſing, to the great annoyance of the Lands of *John Capſho*, and *Robert Allard*; which Sewer ought to have been ſcoured by the ſaid *John* and *Robert*. It was therefore ordained by the before-ſpecified Juſtices, that the ſaid Sir *John le Latimer*, and the reſt of the perſons, ſo preſented as aforeſaid, ſhould be diſtrained to make good the ſeveral repairs above-mentioned, ſo belonging unto them.

i Par. 26 E. 3. p. 3. m. 18. in dorſo.

In 26 *E.* 3. *Will. Thorpe*, *James Bateſee*, and *Will. de Fifhide* were appointed i to view and repair the Banks at the **Stewes**, and in other places adjacent, by the breach whereof divers grounds and meadows lay then totally drowned. And in 37 *E.* 3. *Edmund Chelreye*, *Thomas Morice*, and *Michael Skillyng* had k the like appointment for thoſe Banks neer the ſaid **Stewes**, which were oppoſite to the Mannour Houſe of *John de Moubray*. Before which Commiſſioners, divers preſentments were then made touching thoſe Banks and Sewers, neer the ſame **Stewes**; where divers perſons, being found faulty, paid fines to the King; others acknowleged that they ought to repair them by the perch; and others had made good what belonged to them to do; whereof the Prior of *S. Johns* of **Jeruſalem**, was one; who had two Mills there, and other lands to the value of *xl l. per annum*. The like was certified m of Sir *John de Moubray*, Knight, and *Elizabeth* his wife, daughter and heir of *John de Segrave*.

k Par. 37 E. 3. p. 1. m. 37. in dorſo.

l Plac. coram Rege term. *Paſch.* 37 E. 3. Rot. 19, 20 & 23. Surr.

m Plac. coram Rege de eodem anno Term. *Mich.* Rot. 26.

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In 42 *E.* 3. *John Lovekin*, *Will. Tatke*, *Will. de Neudigate* and others, had the like aſſignation n for the Banks *&c.* extending from a place called **Dunſtallewalle** in this County of **Surrey**, to **Roddiſbourne** in **Kent**. And in 48 *E.* 3. *Robert Bealknap*, *Will. Halden*, *Roger Dygge* and others, for o the ſame Banks, betwixt **Danyeleſwalle**, and the Land of the Prior of S. *Marie de Overe*, and about a medow called **Crouchemede**: by which Commiſſion they were directed to proceed according to the Law and Cuſtome of this Realm of **England**.

n Par. 42 E. 3. P. 1. m. 15 in dorſ.

o Par. 48 E. 3. P. 1. m. 30. in dorſo.

In 4 *H.* 5. *John Preſton*, Sir *John Drayton* Knight, *Thomas Rothewell* junior, *Thomas Dreme*, *Richard Wydeforde*, and *Thomas Coventre* were conſtituted p Commiſſioners for the view and repair of the Banks, Ditches *&c.* all along the Verge of the **Thames**, on both ſides, from **Reading** to **Oxford**, which were then broken in many places; with appointment to proceed therein according to the Law and Cuſtome of **England**.

p Par. 4 H. 5. P. unica m. 15. in dorſo.

The next year following, *John Preſton*, *John Martyn*, *John Corf*, *John Appulton*, *Robert Skyrne*, and *Nicholas* q *Conyngſton* had the like Commiſſion for thoſe Banks *&c.* betwixt **Depford** ſtrond, and **Bermundſey**, wherein they were directed to act according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

q Par. 5 H. 5. P. unica m. 34. in dorſo.

In 22 *H.* 6. Sir *John Burceſtre* Knight, *Richard Bamme*, *Richard Combe*, *Will. Cheſurne*, *Adam Lynelord*, *John Martyn*, *John Malton*, and *Will. Kyrton* were aſſigned r to view all thoſe Banks on the ſide of **Thames**, and marſhes adjoyning, aſwell within the Lordſhips of **South Lambehithe**, **North Lambehithe**, **Lambehithe merſhe**, and **Paryſh-garden**, as in **Southwerk**, **Bermundſey**, **Retherhithe**, **Depford ſtronde**, **Peckham**, **Hacham**, **Camerwell**, **Stokwell**, **Clopham**, and **Newyngton**, in the Counties of **Surrey** and **Kent**, which were at that time broken and in decay, and to take order for the repair of them: As alſo to make neceſſary Laws and Ordinances for the ſafeguard and preſervation of them, accor-

r Par. 22 H. 6. P. 1. m. 17. in dorſo.

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ding to the Laws and Cuſtomes of Romeney Marſh: And moreover to impreſt ſo many Diggers and Labourers, to be imployed therein, upon competent ſalaryes, as ſhould be neceſſary, in reſpect of the great neceſſity at that time for the ſpeedy diſpatch of that work. The like Commiſſion [f] and direction had *John Bamburgh*, *Richard Bamme*, *Richard Drax* and *Philip Leweſton* in 25 *H.* 6. for the Banks in the ſame Lordſhips and places.

[f] Par. 25 *H.* 6. p. 1. m. 8. in dorſo.

And in 31 *H.* 6. Sir *John Burceſtre* Knight, *Richard Waller* Eſquire, *Will. Laken*, *Philip Leweſton*, and others, had [t] the like, for the view of all the Banks from **Eaſt-Greenewiche** in **Kent**, to **Wandeſworth** in **Surrey**: So alſo had [u] the ſaid Sir *John Burceſtre*, Sir *John Cheyne* Knights, *Richard Waller* Eſquire, *Will. Laken*, and others, for thoſe betwixt **Weſt-Greenewiche**, and **Wandeſworth**, aforeſaid; *viz.* to the Sluces called **Pateſcluſe**, **Retherhithe**, **Suthwerke**, **Vermondſey**, **Paryſgardyn**, **Lambehythe**, **Lambehythe merſh**, **Vaterſey**, **Wandelworth**, **Clopham**, **Pekham**, and **Camberwerwell**.

[t] Par. 31 *H.* 6. p. 1. m. 22. in dorſo.

[u] Ibid.

The like Commiſſion [w], for the ſame Places, and to proceed accordingly, had Sir *John Bourgchier* of **Barners** Knight, Sir *John Burceſtre*, Sir *John Cheyne* Knights, and others, in 33 *H.* 6.

[w] Par. 33 *H* 6. p. 1. m. 17. in dorſo.

So alſo had [x] Sir *Raphe Ioſſelyn* Knight, Mayor of the City of **London**, Sir *Walter Moile* Knight, Sir *John Burceſtre* Knight, *Nich. Gayneſford* Eſquire, *John Wood*, and others, in 5 *E.* 4. And likewiſe [y] Sir *Richard Fenys* Lord *Dacres*; *John*, Abbot of **Bermundſey**, *Henry*, Prior of S. *Marie Overey*, in **Suthwerk**; *Will. Croſſe*, Maſter of the Hoſpital of S. *Thomas* the martyr in **Suthwerk**, and divers others, in 14 *E.* 4.

[x] Par. 5 *E.* 4 p. 1. m. 23. in dorſo.

[y] Par. 14 *E.* 4. p. 1. m. 20. in dorſo.

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CAP. XV.

HAving now done with the Marſhes on the South part of **Thames**, I come to thoſe on the North ſide, lying in the Counties of **Middleſex** and **Eſſex**: beginning with **Middleſex**: where the firſt mention I find of any thing in this kind, is, that in *26 E. 1.* *Robert de Retford* and *Henry Spigurnell* were aſſigned * to view and repair the Banks and Ditches in **Stebbenhethe** and the parts adjacent. After this, *viz.* on *Wedneſday* next after the Feaſt of S. *Martin* [a] the Biſhop in *18 E. 2.* there was an inquiſition taken at the Hoſpital of S. *Kathrines* neer the Tower of **London**, before *Will. de Broke*, and *Robert de Kelleſey*, then the Kings Juſtices for view of the Banks, Ditches, *&c.* lying betwixt the ſaid Hoſpital and the Town of **Chadewelle**, and for repair of the ſame; before whom the Jurors did preſent upon their Oaths; that a certain perſon of antient time Lord of the Mannour of **Stebenhethe** before-mentioned, whoſe name they knew not, did by his induſtry recover a certain Marſh there, containing about an hundred Acres of Land, which Marſh was then drowned by the overflowing of the **Thames**, and at the time of the ſaid preſentment ſo made had Banks, Ditches, *&c.* and did ſo lye betwixt the ſaid Hoſpital and **Shadwelle**; but through the want of their repair, was then frequently overflowed, and in divers places drowned to the great damage of the people in thoſe parts.

* Par. 26 E. 1. m. 28. in dorſo.

[a] Plac. de term. *Trin.* 18 E. 2. rot. 174. *Midd.*

Which Lord of the ſaid Mannour of **Stebenhethe**, did afterwards grant by Charter to certain of his free men, *xlij* acres and a half of Land, with the appurtenances, ſeverally, by parcells, to be held by them and their heirs, by certain ſervices for ever; and to repair and maintain, the ſaid Banks, Ditches, Sewers, &c. *viz.* each man upon his own proper ground, bordering on the ſaid River of **Thames**: of which *xlij* Acres and a half, *John Giſors*, *John Peyrun*, and *Maude de Cauntebrig*, held *xxxij* Acres; the Maſter of the Hoſpital of S. *Thomas* the Martyr, of **Acon**, in the ſaid City of **London**, ten acres; and *Walter Crepyn*, half an acre: and that the ſaid Lord of that Mannour, dimiſed the reſidue of thoſe hundred Acres, to the Bondmen of the ſaid Mannour, to hold at will, and to repair and maintain the Banks, Ditches, *&c.* aforeſaid; every man, at his own proper coſts, upon the ſaid Lands ſo to him demiſed.

And they farther ſaid, that the ſaid Lord and his Court of **Stebenhethe**, did then decree and ordain, by the aſſent of thoſe his Tenants, two men, called *Wall Reeves*, to overſee the ſaid Banks *&c.* upon the ebbing and flowing of the Tides; and to warn all the Tenants of the ſaid Lands, as often as need ſhould require, to repair them; and likewiſe to preſent the defaults in the Court of the ſaid Lord at **Stebenheth**, to the end that the defects might be thereupon amended by the ſaid Lord and his Tenants. And that the ſaid Lord ought to have of every ſuch Tenant, ſo in default, for the repair aforeſaid, for every peny three pence. And ſo to ſettle the order of defence, repair, and maintenance of the ſaid Banks *&c.* in time to come; and likewiſe the manner of chooſing and conſtituting the two men aforeſaid, in the ſaid Court of the Lord, to overſee thoſe Ditches *&c.* and to warn the Tenants when need ſhould require, from that time forth, for ever.

Which Cuſtome and uſage had ever been exerciſed from that time, from time to time, by the Tenants of the Lords

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of that Mannour, untill that present day; the state and Title of which Lord was then in the Bishop of **London.**

And the said Jurors moreover presented, that through the default of the Bondmen of the said Bishop, who then held the said Lands in **Stebenhethe** of him the said Bishop, in form aforesaid, and were so obliged to those repairs, but could not perform them; the Banks and Ditches were broken and torn, and the Lands and Tenements aswell of the Free-holders as others, perilously, and with great damage overflowed.

And it was farther enquired, whether any of the said Tenants did ever contribute to the aid of any other Tenant for the repair and maintenance of those Banks *&c.* upon any such breach happning in former times: And it was answered no: For they said, that every Tenant had wont to repair and sustain all the Banks *&c.* upon his own proper land, at his own chardge, upon perill which might befall. And because that the before-specified Free-holders, who were not guilty of the said breach, nor the default thereof, as by the said inquisition was found; whereas they should have had benefit by the repair of those banks, as in reason they ought, and contrarywise sustained great losse; that they might have their action therefore, if they saw good: And that the said Bishop and his Bondmen, through whose neglect, those breaches, drowning, and damages came, should be distrained from day to day for the repair and maintenance aforesaid.

By reason of which Inquisition, for that the King was informed that the said Bishop and his Bondmen did refuse to perform those repairs, at their proper costs and chardges, upon their lands bordering on the before-specified River, the Shireeve had command, that he should summon the said Bishop, to appear in the Court of Kings Bench, in the *xv*^me^ of *S. John Baptist*, to shew, if he could, why *&c.* who came accordingly; and alleged, that soon after the said Inquisition was so made, all the defects in the Banks, upon his and his said Bondmens Lands, were by him and them sufficiently amended and repaired; and the judgement given upon the same Inquisition, fully executed: and therefore saith, that the Lands and Tenements aforesaid, were not overflowed and drowned through the default of the Bishop and his Bondmen, in not repairing and maintaining the Banks *&c.* aforesaid, upon those their Lands. But he said, that on the Even of the *Circumcision* of our Lord, in the *xvii*^th^ year of the said Kings reign, there hapned a mighty floud, proceeding from the tempestuousnesse of the Sea, which overflowed all the Banks, aswell those that were against other mens lands, as those against the lands of the same Bishop and his Bondmen; and drowned all the said grounds: Which floud afterwards in it's retreat to the Sea, made a certain ground-breach upon the Land of the said Bishop, which could not be repaired by the labour of one Tenant; so that every man having any land so overflowed, ought to be chardged equally, for his proportion, towards the repair thereof, according to the Custome of the Marsh. And farther said, that if all the Land-holders there, would joyn together for the repairing and maintaining of the said ground-breach in common, he the said Bishop and his Bondmen would be ready, for their proportions, to assist and contribute thereto.

And *Adam de Fyncham* the King's Attorney, then said, that the said Walls *&c.* were so broken and torn, through the default of repair by the said Bishop and his Tenants, upon their own grounds; that all the before-specified Lands and Tenements were thereby overflowed, and in divers places drowned, as aforesaid, to the great damage and peril of all those Land-holders: And that this he was ready to make proof of. And the Bishop said as he did before; and that if there were any overflowing at all, it was occasioned by the said impetuous floud, which went over all the said Banks and Ditches; and which made that ground-breach before-specified in it's retreat; and not by the default of him and his Bondmen aforesaid; and desired that this might be enquired of by the County. And so likewise did the said *Adam*, then the Kings Attorney. Whereupon the Jurors in the said Court of Kings Bench, in the *xv*^me^ of S. *Michael*:

and

and ſaid upon their Oathes; that the Banks, Ditches *&c.* upon the coaſt of **Thames**, ſituate betwixt the ſaid Hoſpital and the Town of **Shadwell**, were not broken through the default of the Biſhop and his bondmen; and that the ſaid Lands were not ſo overflowed and drowned through any defect in repair of them: For they ſaid, that all the Land was ſo overflowed by the means of that huge floud before-mentioned, occaſioned through the vehement tempeſts from the Sea, about the Feaſt of the Circumciſion of our Lord before-ſpecified; which ran over all the ſaid Banks and Ditches; and which in it's fall to the Sea, made the ſaid ground-breach, whereby thoſe Lands became afterwards often overflowed, and drowned.

And the ſaid Jurors being asked who ought to repair that ground-breach; anſwered; that according to the Cuſtome of thoſe parts, every man having any part in the ſaid Land, lying betwixt the ſaid Hoſpital and **Shadwell**, ought and had wont to contribute, according to his proportion, to the repair and maintenance of ſuch a ground-breach, when it ſhould happen: And therefore the Shireeve was commanded to diſtrain not only the ſaid Biſhop and his bondmen, but all other perſons having Lands between the ſaid Hoſpital and the Town of **Shadwell**, lying within the before-ſpecified peril, for the repair and amendment of the Ditch, where the ſaid ground-breach was made by that great floud; and likewiſe to repair the Banks, Ditches, Sewers and Gutters, which, by means of that ground-breach, were ſo broken and torn.

In purſuance of which verdict, the ſaid King in the ſame 18th year of his reign (wherein the pleading above-mentioned was) aſſigned [b] *Raphe Hereward*, *Robert de Aſhele*, and *John de Doure* to view the ſaid banks, betwixt the before-ſpecified Hoſpital of *S. Katherines* and **Shadwell**, and to take order for their repair.

[b] Par. 18 E. 2. P. 2. m. 4. in dorſo.

In the 15th of *E.* 3. *Robert de Sadyngton*, *Thomas de Blaſton*, and *Gervaſe de Wilford* had Commiſſion [c] to view and repair the Banks *&c.* on the coaſt of the ſaid River, being within the precincts of **Weſtminſter** and the parts adjacent, betwixt a place call'd the **Neyt**, and Temple-barr, in **London**, then broken and in decay by the force of the tides. And in 28 *E.* 3. *will. de Thorpe*, *will. de Notton*, *John Bray*, *Thomas Ludlowe*, *will. de Hatton*, and *Thomas Morice* had the like [d] Commiſſion for thoſe in the Town of **Stebenhethe** before mentioned; as alſo upon the River of **Lye**, in the confines of **Middleſex** and **Eſſex**, in a certain part of **Hakney**, neer to a Mill called **Crachehegge**, betwixt the ſaid Town of **Hakney**, and the Town of **Welcomſtowe** in **Eſſex**.

[c] Par. 15 E. 3. P. 1. m. 45. in dorſo.

[d] Par. 28 E. 3. P. 1. m. 24. in dorſo.

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In 36 *E.* 3. *will. de Fyncheden*, *will. de wynchingham* and others were in like ſort aſſigned [e] for all the Banks *&c.* betwixt the Chapel of *S. Katebrine* in **Middleſex**, and the Town of **Eſt-Tilbury** in **Eſſex**. So alſo the next year following, were [e] *Thomas Moriſſe*, *Thomas Frowyk*, and *George Fanillore*, for thoſe banks *&c.* in the Marſhes of **Stebenhithe**, **Bzambeleye** and **Redcrpe**, and elſwhere within the Lordſhip of the Biſhop of **London**, upon the verge of the **Thames**. And in 38 *E.* 3. *Thomas Morice*, *Thomas Frowyk*, and *John Brikeleſworth*, for thoſe in **Stebenhithe** and **Bzambeley**, from the Tower of **London**, to the River of **Leye**.

[e] Par. 36 E. 3. P. 1. m. 15. in dorſo.

In 41 *E.* 3. *John de Bampton*, *John de Sudbury* and *Thomas Brette* were conſtituted [f] Commiſſioners for the view and repair of the banks *&c.* betwixt the before-ſpecified Chapel of *S. Katherine* and **Berkynſtete** in **Eſſex**; and to do all things therein according to the Law and Cuſtome of this Realm. In 43 *E.* 3. *Thomas de Lodelowe*, *will. Halden*, *John Sundbie*, and *John Chertſey* had [g] the like, for all thoſe, aſwell upon the coaſt of the River of **Leye**, as of **Thames**, which were in the pariſh of **Stebenhithe**. So likewiſe, the ſame year, had [h] *Solomon Wauter* and *Nich Cartere*, for thoſe in the ſaid pariſh, upon the River of **Thames** only; with power to take ſo many Carpenters, and other Labourers as ſhould be neceſſary for the work, upon competent wages.

[f] Par. 41 E. 3. p. 1. m. 28. in dorſo.

[g] Par. 43 E. 3. P. 1. m. 33. in dorſo.

[h] Par. 43 E. 3. P. 2. m. 33.

In 1 *R.* 2. *John Bampton*, *will. Rykhill*, *Thomas Aſpale*, and *Thomas Mylende*, had the like Commiſſion [i] for thoſe betwixt **Blakewale**, and the before-mentioned Hoſpital of *S. Katherine*. In 4 *R.* 2. *will. Cheyne*, *Helmingus Leget*, *will. Rykhill*, and

[i] Par 1 R. 2. P. 1. m. 25. in dorſo.

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and *Will Creſſewyke*, for [k] thoſe upon the River of **Lye**, betwixt **Stebenhythe** and **Bramle**.

In 6 *R.* 2. the Prior of the Hoſpital of *S. Johns* of **Jeruſalem**, being queſtioned [l] for the not cleanſing of a Ditch neer **Wiſeford**, for an hundred perches; and could not deny, but that he ought to do it; and therefore the Shireeve of **Middleſex** was appointed to compell him by diſtreſſe for the performance thereof at his own proper chardges. In the ſame year *Will. Cheyne*, *Will. Rykhill*, *John Shorediche* and *Will Creſſewyke* were [m] appointed to view and repair the banks upon the River of **Lye**, betwixt **Stebenhethe** and **Bramle**.

In 19 *R.* 2. *Will Rykhill*, *Will. Skrene*, *Thomas Cherleton*, *John Shoredyche* ſenior, and *John Ongham* had [n] the like appointment for thoſe betwixt the Town of **Stratford atte Bowe** and the Tower of **London**, and to perform all things therein, according to the Law and Cuſtome of this Realm. So alſo in 22 *R.* 2. had *Will. Thirnyng*, *Will. Rykhill*, *John Cokaine*, *Thomas Charleton*, *John Shoredyche*, ſenior, and *John Ongham* (the Shireeve of **Middleſex** being aſſociated to them) for [o] the view and repair of thoſe banks *&c.* in **Stebenhithe** marſh; and to proceed therein as aforeſaid.

Which Commiſſion was renewed [p] in 1 *H.* 4. to all the parties before mentioned, exceptiug *John Cokayn.* In 5 *H.* 4. *John Cokain*, *Will. Skrene*, *Thomas Tyldeſlegh*, *Robert Rykedon*, and *John Hogham*, with the ſaid Shireeve of **Middleſex** had [q] the like. And in [r] 9 *H.* 4. *Will. Cheyne*, *John Selman*, *John Profyt*, and *John Hogham*: and to act therein according to the antient Law and Cuſtome of this Realm.

In 8 *H* 6. *Henry Somer*, *Robert Frampton*, *John Thwaytes*, *Walter Grene*, and *Alexander Anne* were aſſigned [ſ] in like ſort, for the banks *&c.* in the Marſhes of **Stebenhithe**, and **Walmerſhe**; and to make Statutes and Ordinances, for the defence thereof, according to the Laws and Cuſtomes of **Romeney marſh**: as alſo to impreſt ſo many Labourers for that imployment, upon competent ſalaries, as they ſhould ſee neceſſary, in reſpect of the imminent danger, by the breaches in thoſe banks, which required their ſpeedy repair.

In 26 *H.* 6. *John Forteſcu*, chief Juſtice of the common Pleas, *Robert Wellys* Abbot of **Graces** neer the Tower of **London**, *John Fyloll*, *Thomas Burgoygne*, *John Wylton*, *Walter Grene*, *John Harpour*, *Robert Tanfield*, *Edmund Plofeld*, *John Eton*, and *Thomas Croxton* had the like Commiſſion [t] for the banks *&c.* betwixt the Mill of *S. Katherines* neer the Tower of **London**, to the Chapel of *S. Marie Matfelon*; thence to the Church of *S. Dunſtans* in **Stepenhithe**; thence to the Church of *S. Leonard* in **Bremley**; thence to the River of **Leye**; thence to the **Thames**, and thence to the ſaid Mill: and to make Laws *&c.* according to the Laws and Ordinances of **Romeney marſh**: as alſo to impreſt Labourers *&c.* as aboveſaid.

Upon an inquiſition [u] taken in 27 *H.* 6. the Jurors preſented, that by the violence of the tides upon the banks of **Stebenhithe** marſh, a great part of the ſaid banks, adjoyning to that marſh, was then ruinous and broken through the neglect of the Land-holders there: And that through the default of one *Iohn Harpour* Gentleman, in not repairing his bank, oppoſite to **Depford ſtrond**, there was, on the *Monday*, being the Feaſt of the *Annunciation* of the bleſſed Virgin, in the 26 year of the reign of the ſaid King *H.* 6. a breach made in the ſaid bank of the before-ſpecified *Iohn Harpour*, for the length of *xx* Rods, unto the land of *Iohn Fyloll*, in ſo much as a thouſand Acres of land, lying within the ſaid marſh, were drowned. And that he the ſaid *Iohn*, and all thoſe whoſe eſtate he then had, were obliged, in reſpect of their land adjoyning to the ſaid bank, to take care of it's amendment.

In 34 *H.* 6. Sir *John Forteſcu* Knight, then chief Juſtice of the Kings bench, *Iohn Fylolle*, *Thomas Burgoyne*, *Walter Grene*, *John Harpour*, *Robert Tanfeld*, *Will. Chadworth*, *Thomas Cornwalys*, and *Thomas Croxton*, were appointed [w] Commiſſioners for the view and repair of the banks *&c.* lying betwixt *S. Katherines* Mill, before mentioned, unto the Chapel called *S. Marie Matfelone*, thence to the Church of *S. Dunſtans* in **Stepenhithe**; thence to the Church of **S.** *Leonard* in **Bremley**; thence to the River of **Leye**; thence to the **Thames**, and ſo to the ſaid Mill: And to make Laws and Ordinances

k Pat. 4 *R.* 2. p. 1. m. 17. in dorſo.

l Plac. coram Rege term. *Mich.* 6 *R.* 2. rot. 206 *Midl.*

m Pat 6 *R.* 2. p. 1. m. 9. in dorſo.

n Par. 19 *R.* 2. p. 1. m. 5. in dorſo.

o Par. 22 *R.* 2. p. 1. m. 2. in dorſo.

p Par. 1 *H.* 4. p. 4. m. 3. in dorſo.

q Par. 5 *H.* 4. p. 1. m. 29. in dorſo.

r Par. 9 *H.* 4. p. 2. m. 21. in dorſo.

ſ Pat. 8 *H.* 6. p. 2. m. 20. in dorſo.

t Par. 26 *H.* 6. p. 2. m. 23. in dorſo.

u Eſc. 27 *H.* 6. 22. p. penult. *Midd.*

w Par. 34 *H.* 6. Parte unicâ, m. 23. in dorſo.

dimnces according to those of **Romeney** marsh.

x Par. 7 E. 4. p. 1. m. 16. in dors.

The like [x] Commission in 7 *E.* 4. had *Thomas* Abbot of **Graces**, neer the Tower of **London**, *Thomas Urswyk*, *Thomas Frowyk* Esquire, and others.

In 14 *E.* 4. Sir *Thomas Urswyke* Knight, *John Elryngtone*, *Thomas Frowyk*, *will. Essex*, and other, were assigned [y] to view and take order for the repair of all those banks *&c.* lying betwixt the Tower of **London**, and the Town of **Stratford atte Bowe**; and to proceed therein, by making Laws *&c.* and otherwise, according to the Laws and Customes of **Romeney** marsh. In 20 *E.* 4. *Thomas* Bishop of **London**, *Edmund* Abbot of **Graces**, *will. Wirsley* Dean of *Pauls*, Sir *John Elryngton*, and Sir *Thomas Frowyk* Knights, *Richard Gardener*, and others, had [z] the like assignation for those betwixt the Town of **Lymehouse**, and the wall, called **Black Wall**. So * also, in the same year, had the said *Thomas*, *Edmund*, and *William*, together with *Henry Sharpe* Dean of the free Chapel of *S. Stephan* within the Kings Palace at **Westminster**, *John Harding* Master of the Hospital of *S. Thomas* of **Acon** in the City of **London**, Sir *John Elryngton* Knight, Sir *Thomas Frowyk* Knight, *Richard Gardner* and others, for all the banks upon the River of **Thames** and **Leye**, betwixt the metes and bounds of the City of **London**, and the bridge of **Stratford atte Bowe**, on the North and West side of those Rivers, and the Road-way which lyeth betwixt **White Chapell** parish, and the Town of **Stratford atte Bowe** before-specified.

y Par. 14 E. 4. p. 1. m. 20. in dorso.

z Par. 20. E. 4. p. 1. m. 8 in dorso.

* Ibid.

Marshes in the Suburbs of London

Cap. XVI.

Marshes in the Suburbs of London.

AND that some places in the very Suburbs of the City of **London** it self, have originally been Fenny and Moorish, though now (by no small industry and cost) equalling the chiefest; which were naturally otherwise, is apparent from undoubted testimony; *Fitz Stephan* (who lived above five hundred years since) speaking of that place now called * *Moore Fields*, saying thus; *Cum est congelata palus illa magna, quæ mœnia urbis Aquilonalis alluit, exeunt lusum super glaciem densæ juvenum turmæ. &c. When the great Fen, which watereth the walls on the North side of the City, is frozen, multitudes of young people go to play upon the Ice. Some, taking a little room to run, do set their feet a good distance, and glide a great way. Others sit upon thick pieces of Ice, as big as Mill-stones, and being drawn by many, who hold hand in hand, when the foot of one slippeth, they all tumble down together. But others more expert in sporting thereon, fix bones under their heeles; and taking a Pike-staff, do shove themselves forward with so much force, that they glide with no lesse swiftnesse, than a Bird flyeth, or an Arrow passeth out of a Bow.*

* *Stow's* survey of *Lond.* p. 707. b.

This Fen, saith [a] *Stow*, stretching from the wall of the City, betwixt **Bishopsgate** and the **Posterne**, called **Cripplegate**, to **Finsbury** and to **Holy-well**, continued a waste, and an unprofitable ground a long time, so that the same was all letten for four Marks the year, in the reign of King *Edward* the second: But in the year *MCCCxv.* 3 *H.* 5. *Thomas Fawconer*, Maior, caused the wall to be broken towards the Moor, and builded the Postern, called **Moore gate**, for ease of the Citizens, to walk that way upon Causeys, to **Iseldon** and **Horton**. Moreover, he caused the Ditches of the City, and other the Ditches, from **Shoreditch** to **Deepe Ditch**, by **Bethlem** into the **Moore ditch**, to be newly cast and

[a] Ibid. p. 47[illegible].

Marſhes in the Suburbs of London

cleanſed; by means whereof the ſaid Fen or Moor, was greatly drained and dryed.

And in the year *MDxij. Roger Atchley*, Maior, cauſed divers Dikes to be caſt, and made, to drain the waters of the ſaid **Moore fields**, with bridges arched over them; and the grounds about to be levelled; whereby the ſaid field was made ſomwhat more commodious; but yet it ſtood ful of noyſome waters. Whereupon, in the year *MDxxvij.* Sir *Thomas Seymour*, Maior, cauſed divers Sluces to be made, to convey the ſaid waters over the Town ditch, into the courſe of **Walbrooke**, and ſo into the **Thames**: and by theſe degrees was this Fen or Moore, at length made main and hard ground, which before, being overgrown with Flaggs, Sedges and Ruſhes, ſerved to no uſe.

Nor was the ground in **Fleetſtreete**, and thereabouts, long ſince, much better than a Mariſh; for the ſame Author [b] ſaith, that in the year *MDXCv.* he obſerved; that when the Labourers had broken up the pavement againſt **Chancery lane** end, up towards S. *Dunſtan's* Church, and had digged four foot deep, they found another pavement of hard ſtone, more ſufficient than the firſt, and therefore harder to be broken; under which were in the made-ground, piles of Timber, driven very thick, and almoſt cloſe together, the ſame being as black as cole, and many of them rotten.

b Ibid. p. 436 a.

And now to manifeſt, that not only the Law, but the uſual practice is, where diſobedience or neglect hath been found in thoſe as be chardgable with the maintenance of any Banks or Sewers, made for the common defence of ſuch Marſhes as are in danger of ſurrounding; that coercion is to be exerciſed for the performance thereof; I ſhall here exhibit the teſtimony of a Decree [c], made in a Seſſion of Sewers, held at **Ilford** in **Eſſex** 19° *Aprilis*, A° 1639. which reciting an Ordinance made in the like Seſſion, at **Ilford** before-ſpecified, for raiſing the ſumm of ſeventeen hundred and ſix pounds, for repairing a breach in the Banks or Marſh-wall of **Bromley** marſh, in this County, whereby ninety four Acres of land were ſurrounded; and the neglect of certain perſons, therein named, to pay their proportion thereof, which were aſſeſſed upon them; a Leaſe, for *xli* years was made of ſeveral parcels of ground, belonging to thoſe ſo neglecting, unto others, at the Rent of one pepper corn yearly.

c Ex bund Decretorum in officio nuncupato the **Pettibag.**

CAP. XVII.

HAving now done with the Marſhes in **Middleſex**, I come to thoſe in **Eſſex**, which Counties are divided by the River of **Lye**, antiently called **Luye**. **Eſſex.**

Of this River it is memorable, [a] that the *Danes* in the year of Chriſt 894. and 23 of King *Alfred's* reign, ſayled up it with their Ships, and built a Caſtle on the Bank thereof, about *xx* miles from **London**. Neer which, the *Londoners* giving them battail, and having the better of the day, put them to flight; ſo that they were conſtrained to flye to that Hold: whereof the King having notice, he cauſed this River to be cut into three branches, to the end that they might not get their ſhips back: who diſcerning what was done, left them and fled towards **Severne**. That which is here called a Caſtle, is ſuppoſed to be ſome Fort, made at or neer **Hartford**, ſituate upon the Bank of this River: for, before the tides were kept back at **Stratford Bowe**, by a large Saſſe there made, to keep the levell above it from drowning; no queſtion but that they flowed above **Ware**, and brought up ſmall Veſſels neer to **Hartford**; there being, betwixt **Ware** and **Hartford** a Hill, which to this day beareth the name of **Shipman's Hill**, and a tradition of the Country people, that ſhips did, in antient time, lye at Anchor in that Valley.

a *H. Hunt.* hiſt. l. 5. f. 201. b. n. 10.

The firſt mention wherewith I have met, concerning the Marſhes of **Eſſex**, is [b] in King *John's* time, *Roger de Crammavill* being then attached to ſhew cauſe, why he did not ſtand to the determination made in the ſaid King's Court, by a Fine, betwixt himſelf and the Prior of S. *Johns* of **Jeruſalem**, touching the Banks, Gutters, and Ditches to be made in **Renham** marſh: at which time the ſaid

b Plac. temp. incerti Regis *Joh.* **Eſſex.**

ſaid Prior produced the before-mentioned Fine ſo made betwixt them; which teſtified; that the ſaid *Roger* did then agree, that he and his heirs would make and repair thoſe Banks *&c.* according to the proportion of his Land in that Marſh, ſo that every Acre, which the ſaid *Roger* did poſſeſs, ſhould be taxed as thoſe that belonged to the Prior. And the ſaid *Roger* came and acknowleged the agreement; and juſtified, that he had fully made thoſe Banks according to what belong'd to his Tenement; and thereupon put himſelf upon the view of thoſe who knew the Laws of the Marſh.

[c] Par. 8 E. 1. d 2 m. 13.

Upon complaint [c] made to the King in 8 *E.* 1. by the Abbot of **Stratford**; that, whereas he did uſe, yearly, to repair the Banks and Ditches of the Marſhes of **Weſt-Hamme**, as often as need required, for the preſervation of his Lands and the Lands of his neighbours, lying within thoſe Marſhes, againſt the overflowings of the Rivers of **Thames** and **Luye**: and that his ſaid neighbours did neglect to do the like, for what belong'd to them; the ſaid King directed his Precept [d] to the Shireeve of **Eſſex**, commanding him to diſtrain all thoſe that were faulty therein, to the end that the ſaid Abbot might have contribution in that behalf.

[e] Par. 15 E. 1. m. 6.

In 15 *E.* 1. *John de Lovetot* and *Will. de Lamburne* had [e] Commiſſion to view and repair the Banks and Ditches, in this County, upon the ſide of **Thames** and parts adjacent, then in decay; and to enquire through whoſe default they became ſo ruinous.

[f] Par. 20 E. 1. m. 22 in dorſo.

In 20 *E.* 1. the Abbot of **Stratford** made a new complaint [f] to the King, in the like manner as aboveſaid. Whereupon the ſaid King required the Shireeve to diſtrain all thoſe who were obliged to ſuch repair of their Banks and Ditches, and had not accordingly done their duty therein: as alſo thoſe who did refuſe to contribute to the ſaid Abbot, according unto their due proportions.

[g] Par. 31 E. 1. m. 31. in dorſo.

In 31 *E.* 1. *Walter le Baud*, *Richard de Perneford*, and *John de Dovor* were aſſigned [g] to view and repair the Banks, Ditches *&c.* in this County, and thoſe at **Wolwyche**, in **Kent**. The like Commiſſion [h] had *John le Bretun* and *Will. de Wauton*, in 34 *E.* 1. for thoſe in **Eſſex** only.

[h] Par. 34 E. 1. m. 36. in dorſo.

The Marſhes on Thames.

Several other of the ſame kind (for this County only) were in King *Edward* the ſecond's time; *viz.* to [i] *H. Spigurnell*, *John de Dovor*, and *John de Malegraſſe* in 3 *E.* 2. To [k] *Walter le Baud*, *Will. Fitz Robert* and *John de Norton* in 6 *E.* 2. To [l] the ſame *William*, *Henry Gernet*, and *Thomas Dakenham* in 7 *E.* 2. To [m] *Will. de Hanyngfeld*, *John le Burſer* and *Thomas de Ultyng* in 8 *E.* 2. To [n] *Nich. Frembaud*, *Henry Gernet*, *John de Dovor*, and *Richard Baſtard*, in 9 *E.* 2.

[i] Par. 3 E. 2. m. 26. in dorſo.
[k] Par. 6 E. 2. p. 1. m. 15. in dorſo.
[l] Par. 7 E. 2. p. 1. m. 9. in dorſo.
[m] Par. 8 E. 2. p. 1. m. 13. in dorſo.
[n] Par. 9 E. 2. p. 2. m. 9. in dorſo.

In 14 *E.* 2. *Henry Grene*, *John de Dovere* and *Thomas de Chene* had the like [o] Commiſſion, for the view and repair of the Banks *&c.* at **Renham**, **Benington**, and **Alvitheley**.

[o] Par. 14 E. 2. p. 2. m. 9. in dorſo.

In 17 *E.* 2. *John de Doure*, *Robert de Aſhele* and *Nich. de Scotford* the [p] like for all the Marſhes, upon the **Thames**, in this County. So alſo had [q] the ſaid *John*, *John de Wydefeld* and *Walter de Hegham*, for the Banks *&c.* betwixt **Stretford atte Bough**, and **Eſt-Tilbury**, and the parts adjacent.

[p] Par. 17 E. 2. p. 2. m. 25. in dorſo.
[q] Par. 17 E. 2. p. 1. m. 19. in dorſo.

In 18 *E.* 2. *John Boteler*, and *John de la Hay* were appointed [r] to view a certain Cauſey betwixt **Maldon** and **Hebrugg**; under which, through an arch, the freſh waters had uſed to run into the Sea; which waters were then ſtopt: And likewiſe [s] to view and repair the Banks *&c.* in the Marſhes of **Eſthamme** in **Eſſex**, and **Wolwiche** in **Kent**.

[r] Par. 18 E. 2. p. 2. m. 18. in dorſo.
[s] Par. 18 E. 2. p. 2. m. 12. in dorſo.

So alſo in 5 *E.* 3. had [t] *Robert de Rochford*, and *Will. de Stanford* for all the Banks *&c.* within the Hundreds of **Denſey** and **Rochford**.

[t] Par. 5 E. 3. p. 2. m. 16. in dorſo.

In 10 *E.* 3. *Henry Gernet* and his fellow Juſtices, aſſigned for the view and repair of the Banks *&c.* on the Coaſt of **Thames**, in this County, ſate at **Weſt Hamme** on *Wedneſday*, being the Feaſt of S. *Edmund* the King: where the Prioreſſe of **Stratford** made complaint [u] before them, that *Will. de Maſun*, Bayliff of the Marſh of **Weſthamme**, had diſtrained her for C s. for the repair of a certain Bank, called the **Prior's Wall**: for ſhe ſaid, that ſhe neither had nor held any land nor ground in the ſaid marſh, for the which any wall ought by her to be repaired; and therefore required judgement. But ſhe ſaid, that

[u] Ex bund. de Brev. & Recor. Wallias *&c.* tangentibus 10 E. 3. n. 4. Et Par. 13 E. 3. p. 1. n. 7

The Marſhes on Thames.

one *John de Covele*, long ago, *viz.* in the time of King *Henry* the third, held in the ſaid Marſh, as of the fee of *Muntfichet* (which then belonged to Sir *John de Handlo*) fifty acres of land, together with the ſaid Bank, then called **Coveles Wall**, and a certain piece of Paſture, called the **Hope**, lying neer the ſaid Bank, without the precinct of the ſaid Marſh, *viz.* between the ſame Bank and the courſe of the River of **Thames**: which land, together with the ſaid Bank of **Hope**, were before that time, ever aſſeſſed together, for the repair of that Bank, whenſoever it ſtood in need. And the ſaid *John de Couele*, being ſo ſeized, aliened the ſaid Bank and **Hope**, to *Robert le Ku*, to hold to him and his heirs, for the repairing and maintaining of the ſaid Bank, for ever; the ſaid **Hope** then being ſufficient for the Paſturage of ſix Kine, as it was reported.

And afterwards the ſaid *John de Couele*, long before the Statute, entituled *Quia emptores terrarum*, ſold the ſaid Land by parcells to divers Tenants, to hold to them and their heirs, of him the ſaid *John* and his heirs, for a certain yearly Rent and ſute of Court to be thereupon performed: And afterwards the ſaid *John* did wholly ſell from himſelf and his heirs, all the demeſn of the before-ſpecified Tenements, together with the whole Rent and ſervice, which he had wont to receive of his ſaid Tenants, unto one *Simon de Paſſelewe*: and the ſaid *Simon* ſold them to one *Cecelie de Lancaſter*: And ſhe the ſaid *Cecelie* granted the ſaid whole Lordſhip, together with the Rents and ſervices before mentioned to the Church of S. *Leonard* of **Stratford**, and to the Nunns there ſerving God; to hold in pure Alms: And ſo the ſaid Prioreſſe then had and poſſeſſed the ſaid Lordſhip, together with the Rent and ſervice aforeſaid.

And ſhe farther alleged, that the ſaid *Robert le Ku*, whilſt he lived and held thoſe Lands and **Hope**, alway repaired that Bank. And after his deceaſe, the ſaid Bank and **Hope**, deſcended to *Ioane* his daughter and heir, who was wedded to one *Will. de Rokeſle*; in whoſe time all the ſaid **Hope**, by a great inundation of the **Thames**, was wholly deſtroyed and drowned. And the ſaid *William* then conſidering, that the chardge of repairing of that Bank, would much exceed the profit of the ſaid Tenement, wholly relinquiſht all that Tenement, and would not meddle any more with the ſaid Bank; and ſo the ſaid Bank lyes unrepaired. And ſhe alleged moreover, that the ſaid Prioreſſe only received of her Tenants of thoſe lands in that Marſh, of the ſaid Fee of *Couele*, a certain Rent of *xiiij*^{s}. over and above the ſervice due and accuſtomed to the ſaid *Iohn de Handlo*, then chief Lord of that Fee: and that ſhe was ready, according to the quantity of that Rent, to contribute to the repair of that bank: and therfore required juſtice to be done to her in the premiſſes.

And hereupon came the Abbot of **Stratford**, by his Bayliff, as alſo *John de Brumpton* and *Thomas le Bret* in their proper perſons; and as Tenants of the lands in the ſaid Marſh, lying within the danger of the ſame bank, alleged, that the ſaid Prioreſſe did unjuſtly proſecute that Writ, foraſmuch as ſhe thereby endeavoured to excuſe her ſelf from the repair of the ſame Bank; and to lay the burthen thereof upon the ſaid Abbot and others. They alſo alleg'd, that the ſaid Prioreſſe, and all her Predeceſſors, from the time that the ſaid Lordſhip of the Fee of *Couele* came to their hands, did uſe, till that very time, to make and repair the ſaid Bank; and that as often as they refuſed ſo to do, they were ever thereto compelled; and this, they ſaid, they were ready to prove, whereupon they required judgement.

And the ſaid Prioreſſe, ſaying as ſhe did before, added, that foraſmuch as ſhe had been thus diſquieted and moleſted, by grievous and intolerable diſtreſſes, ſhe then did complain and brought her action; and as before ſhe did, ſo ſhe ſtill required remedy, acccording to the Precept of the ſaid King.

Whereupon the ſaid Juſtices, having heard her complaint in this buſineſſe, and having reſpect to the ſaid Kings Precept, were willing to enquire and be informed touching the premiſſes; and therfore yielded that an Inquiſition ſhould be taken; which was accordingly done by the ſaid *John de Dakenham* and his fellow Jurors: who ſaid, upon their Oaths, that there had been time out of mind, and then were certain Lordſhips in the

Town

Town of **West Hamme**; *viz.* the Lordſhip of *Handlo*, the Lordſhip of *Lancaſtre*, the Lordſhip of *Placetz*, and the Lordſhip of the Prioreſſe of **Stratford**; and that antiently all the Lords of thoſe Lordſhips met together, and agreed amongſt themſelves, that each Lord ſhould have a certain part of the Bank of **Thames** belonging to his Lordſhip. And they ſaid, that to the Lordſhip of the ſaid Prioreſſe, there was aſſigned a certain parcell of that Bank, now called **Prioreſſ-Wall**; and that the ſaid Prioreſſe was obliged to make and repair the ſame Bank, at her own proper chardges, in ſuch ſort as the other Lords before-ſpecified are theirs. And they ſaid farther, that the defects then in that Bank might be made good for C^s^.

And the ſaid Prioreſſe, having heard the verdict of the ſaid Jurors, alleged, that they had not in any thing made anſwer to what they had in chardge: Whereupon ſhe required, that they might make a further anſwer. And therefore becauſe the ſaid Juſtices were not ſatisfied, that the above-mentioned verdict was ſufficient for them to ground any judgement upon, by the tenor of their Commiſſion, they appointed that the ſaid Jurors ſhould appear before them again, and have a new chardge for a better enquiry.

Whereupon they the ſaid Jurors, together with *Nicholas le Foreſtere*, *Richard le Saltere &c.* alſo ſworn and aſſociated with them, came, and ſaid upon their Oaths, that the ſaid *John de Covele*, long ago, *viz.* in the time of King *Henry* the third, held *xliij* Acres and a half, of Land, in the marſh of **West Hamme**, together with the ſaid Bank, now called **Prioreſſwall**, which was then called **Coueleſ-wall**; as alſo with a **Hope** adjoyning: which Land and **Hope** were then wholly chardged with the making and repair of the ſaid Bank. And that afterwards the ſaid *John*, long before the Statute of *Quia emptores terrarum* &c. being ſo ſeized, demiſed all the ſaid Land, particularly, to divers Tenants, to be held of him the ſaid *John* and his heirs, by certain ſervices, to be performed to him and his heirs for ever; and that then he reſerved to himſelf, the ſaid Bank and **Hope**, together with the chardges of the ſame Bank; and that he afterwards demiſed the ſaid Bank and **Hope**, to one *Robert de Ku*, to hold for ever, becauſe that the ſaid **Hope** did then afford Paſturage for ten Kine yearly in Summer time. And that afterwards the ſaid *John* did totally alienate all thoſe his ſervices, together with all his Fee and Lordſhip of all his Tenants and their Tenements, unto one *Simon de Paſſelewe*: And that afterwards, by divers alienations, ſo made from hand to hand, the ſame ſervices, with the whole Fee and Lordſhip aforeſaid, came to the hands of the ſaid Prioreſſe, who did then enjoy the ſaid ſervices, and ſo likewiſe the ſaid Fee, and ſervice of all that Land. **The Marſhes on Thames.**

And they farther ſaid, that the before-ſpecified *Robert le Ku*, whilſt he held the ſaid Banks and **Hope**, did undergo the chardge of the ſaid Bank, all his time, as aforeſaid: And that after his deceaſe, the ſaid Bank and **Hope**, came to the hands of one *William de Rokeſlee*, and *Joane* his wife, daughter and heir of the ſaid *Robert*: in whoſe time, by reaſon of an extraordinary floud of the **Thames**, it was much ſpoiled and almoſt drowned: ſo that the ſaid *William* and *Joane*, conſidering the chardge of the Bank to be great, and that they ſhould not for the future receive any more benefit of the ſaid **Hope**, foraſmuch as there was little of it left, they wholly relinquiſhed the ſaid Bank, and rendred it into the hands of the ſame Prioreſſe, then Lady of that Fee, as aforeſaid.

And hereupon the ſaid Jurors being asked, whether any part of the **Hope** did then remain, or not, they anſwered that there did not. And being farther asked who were then the Tenants of the ſaid Lands, which had ſo belonged formerly unto the ſaid *John de Covele*; and they ſaid, that *John de Brumpton* held *xiij* Acres thereof, *Walter le Rooke* two Acres *&c.* And being asked if the ſaid Prioreſſe held any part of the ſaid Marſh in demeſne, or not; they anſwered that ſhe did not; excepting a certain Rent of *xiiij*^s^. which ſhe received of her ſaid Tenants in the ſame Marſh, over and above the ſervice due and accuſtomed unto Sir *John de Handlo* chief Lord of the Fee.

And becauſe it was found by the ſaid Jurors, that at ſuch time as the ſaid *John de Covele* held thoſe Tenements in that

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Marſh, he then held them wholly chardged with the repair of the ſaid bank *&c.* And that though by the alienation, which he made of the ſame Bank, together with the ſaid **Hope**, he only chardged them with the repair of the ſaid Bank as aforeſaid; by reaſon whereof, foraſmuch as the ſaid **Hope** was then gone, the ſame Bank lay ſo unrepaired, and became dangerous; of neceſſity and according to the aſſize of the ſaid Marſh, recourſe ought to be, to all the ſaid Tenements, formerly and of antient time, as aforeſaid, chardged therewith; and to lay a new chardge upon them for that repair: therefore it was decreed, that all the ſaid Tenements, which formerly did belong to the ſaid *John de Covele*, within that Marſh, to whoſe hands ſoever they had come, ſhould be retained and chardged, for the future, to the making, repairing, and maintaining thereof. And, that all and ſingular the Tenants of the ſaid Lands, for the time being; as alſo all others who were to have any benefit of them, ſhould be aſſeſſed for the repair of whatſoever defects ſhould afterwards happen in the ſaid Bank, as often as need required; *viz.* every Tenant or perſon receiving ſuch benefit, according to the proportion of his holding, for ever: And that the ſaid Prioreſſe ſhould not thenceforth be diſtrained and compelled to any repair thereof, or contribution thereto, above the rate of her due proportion of what ſhe held.

And that theſe, and all other the Banks in this County, might be the better preſerved for the future, ſeveral Commiſſions were frequently iſſued out to ſundry perſons of note in theſe parts; *viz.* in 12 *E.* 3. to [w] *John de Brianzon, Henry Gernet, Humfrey de Northwode, Benedict de Ditton, Will. de Tendring*, and *Richard de Henham.* In 15 *E.* 3. to [x] *Will. de Wauton, Henry Garnet, Henry Darcy, Will. de Treye, Benedict de Ditton*, and *William de Tendring.* In 19 *E.* 3. to [y] *Richard de Kelleſhull, Henry D'arcy, Will. de Tey*, and *Benedict de Ditton*; and in 24 *E.* 3. to [z] *Richard de Kelleſhull, Thomas Tirell, John de Bergholt*, and *John Samkyn of* **Berkyng.**

[a] In 26 *E.* 3. upon a ſute touching the cleanſing of the River betwixt **Haveryng** and **Reynham**, the Jurors found, that the Prior of S. *Johns* of **Jeruſalem** ought to do one half thereof, which was then choakt up, to the midſt of the ſtream, towards the Land of the ſaid Prior, in **Reynham**, only: And that every Tenant on that ſide towards **Haveryng**, ſhould do the like for that towards their own Land.

In 27 *E.* 3. *John de Staunton, Henry Darcy, Thomas Yonge, John de Rokewode, William de Rokeſwelle, Will. de Horneby* and *John de Tendring* were appointed [b] to view and repair the Banks *&c.* betwixt **Berking** and **Eſt-Tilbury.** In 29 *E.* 3. upon ſeveral breaches in the Banks, within the Hundred of **Danſey**, through the violence of the tides, *John de Coggeſhale, John de Newport, Simon de Ogremount*, and *John Gamen* of **Tyllingham**, were conſtituted [c] Commiſſioners for their repair. By which Commiſſion to take ſo many labourers, as ſhould be needful for that buſineſſe, aſwell of thoſe as had been before imployed therein, as others, born within Liberties and without, where they ſhould ſee fit (the Fee of the Church excepted) and to ſettle them in the work: as alſo to arreſt and impriſon all ſuch as they ſhould find refractory therein, till the ſaid King ſhould think fit to diſpoſe of them otherwiſe.

In 30 *E.* 3. *John de Haveryng, Henry Darcy, Thomas Yonge, John de Rokewode*, and others, were [d] aſſigned, in like ſort, for thoſe betwixt **Berkyng** and **Eſt-Tilbury**: So alſo in 32 *E.* 3. were [e] *John de Haveryng, John de Bolyngton*, and others.

In this 32 year of *E.* 3. it was by the Jurors at **Stratford-Langthorne**, [g] preſented; that the Tenants of **Haveryng** had ſuffered the Chanel betwixt the ſaid Lordſhip of **Haveryng**, and the Lordſhip of **Reynham**, to be ſo ſtopped up, as that the ſtream, which ought to paſſe that way, was ſo much hindred thereby, that it almoſt drowned the Paſtures of the Commonalty of **Havering**, lying neer that Chanell, to the great damage of the ſaid Commonalty: which Chanel every Tenant, on **Havering** ſide, ought to cleanſe, towards his own Land: The Shireeve therefore was commanded to ſummon the ſaid men of **Haveryng** to anſwer thereto. Who appeared accordingly in the Kings bench

w Par. 12 *E.* 3. p. 3. m. 16.

x Par. 15 *E.* 3 p. 1. m. 22. in dorſo.

y Par. 19 *E.* 3. p. 1. m. 27. in dorſo.

z Par. 24 *E.* 3. p. 3. m. 15. in dorſo.

a Plac. in term. Paſch. 26 *E.* 3. ot. 12. **Eſſex.**

b Par. 27 *E.* 3. p. 1. m. 3. in dorſo.

c Par. 29 *E.* 3 p. 1. m. 19. in do ſo.

d Par. 30 *E.* 3. p. 1. m. 4. in dorſo.

e Par. 32 *E.* 3. p. 1. m. 30. in dorſo.

g Inter Brevia & Recorda de Walliis & foreſtis *&c.* de an. 32 *E.* 3. n. 1.

bench at **Weſtminſter**, on the Octaves of S. *Hillarie*; *viz.* the maſter of the Houſe of **Hoyncyrche**, *John atte Dune &c.* And being required to ſay what they could for themſelves, why each of them ought not to repair and ſcour the ſaid Chanel, on **Haveryng** ſide, towards their own Land, as it was preſented; the ſaid Maſter, and the reſt ſaid; that neither they, nor any of their Predeceſſors, or Anceſtors, Tenants of the lands aforeſaid, did ever ſcour or repair the ſame, nor of right ought ſo to do; and thereof they did put themrelves for tryall, upon the Country. And *Simon de Kegworth*, then the Kings Attorney, ſaid; that they the ſaid men and Tenants ought to repair and cleanſe the ſame Chanel, as it was before preſented; and this he offered to prove on the ſaid King's behalf, by the Country. Whereunto the ſaid Tenants aſſenting, the Jurors were brought; and upon their Oaths, ſaid; that the ſaid Maſter and others ought of right to repair and cleanſe the ſaid Chanel, towards **Haveryng**, againſt their own land, as it was before preſented: Therefore it was adjudged, that they ſhould be diſtrained ſo to do *&c.*

After this about two years, the like Preſentment [h] was made againſt the Prior of the Hoſpital of S. *John* of **Jeruſalem**, and Sir *John de Staunton* Knight, *viz.* that they had injuriouſly ſuffered the ſaid River betwixt **Haveryng** and **Reynham** to be choakt up, ſo that the courſe of the water, which had wont to paſſe through that Chanel, did by the ſaid obſtruction, drown the Paſtures of the Commonalty of **Haveryng**, which lay neer the ſame River. Which *John* being dead after that preſentment ſo made; it was decreed, that his heirs ſhould be diſtrained. But it being proved, that his wife then held thoſe his Lands, and that ſhe gainſaid not, but that ſhe was ready to cleanſe the one moytie of the ſaid Chanel, to the mid ſtream, on her own ſide; and likewiſe that the Tenants of **Havering** ought to cleanſe the other moytie, on their ſide, the ſaid Prior was diſmiſt.

In 36 *E.* 3. Sir *John de Haverynz* Knight, *John de Cavendiſhe*, *John de Gildeſburgh*, and others, were made Commiſſioners [i] for the repair of the Banks *&c.* betwixt **Berking** and **Eſt-Tilbury**; with direction to proceed therein according to the Laws and Cuſtomes of this Realm. The next year following, Sir *Will. de Wauton* Knight, *Thomas Torell*, and *Thomas Belhouſe* had [k] the like Commiſſion, for the Banks at **Weſt-Thurrok**. So alſo in 43 *E.* 3. had [l] *Thomas de Lodelowe*, *Hugh de Badewe*, *Thomas Yonge*, *John Aubrey* and *Will. Naſſerton* for thoſe at **Eſt-Hamme Weſt Hamme & Berkyng**. The like [m] in 44 *E.* 3. had Sr *Hen. de Grey* of **Codnoze** Knight, Sir *Rob. de Marny* Knight, *John de Goldeſburgh*, and others; for thoſe upon the water of **Markedyche**; and others, upon the coaſt of **Thames**, betwixt **Berkyng** and **Eſt-Tylleburv** aforeſaid.

Other Commiſſions in the ſame Kings time, were theſe; *viz.* [n] in 48 *E.* 3. to *Robert Bealknap*, *John de Bampton*, and others, for the Banks between **Stratford atte Bowe** and **Eſt-Tilbury**.

In 49 *E.* 3. to [o] Sir *Hugh de Badewe* Knight, Sir *John de Sutton* Knight, Sir *Raphe de Poley* Knight, and others, for thoſe in **Bradwell**. As alſo to [p] the Abbot of **Stratford**, *Nich Carreu*, *John Aubrey* and *Roger Germeyn*, for thoſe at **Eſt-Hamme** and **Weſt-Hamme**; with appointment to act therein according to the Law and Cuſtome of this Realm. And likewiſe to [q] *Nich. Carreu*, *Robert Bealknap*, *Will. Tank*, and others, for thoſe in the Marſh of the Abbeſſe of **Berkyng**. And moreover to [r] the ſaid *Nicholas*, *Robert Bealknap*, and *Robert de Teye*, for ſeveral other Banks in divers Marſhes within this County.

In 50 *E.* 3. to [s] the Abbot of **Stratford**, *Nich. Carreu*, and *Will. Halden*, for thoſe from the Town of **Stratford atte Bowe** to **Berkyng**: So alſo to Sir *Will. de Wauton* Knight, *Roger Mareſchall*, *Thomas de Relhous*, and *Roger Germayn*, for thoſe at **Weſt Thurrok**. In 51 *E.* 3. to [t] *Robert Bealknap*, *Thomas Maundevill*, *Rob. de Teyes*, and others, for the Banks in ſeveral Marſhes and places of this County. And in 1 *R.* 2. to [u] the Abbot of **Stratford**, *Nich. Carreu*, *Will. de Halden*, *John Auberey*, *John Bampton*, *William Rykhill*, and *Roger Gremyn*, for thoſe from **Stratford atte Bowe** to **Berkyng**.

In 2 *R.* 2. Sir *Henry de Grey* of **Wilton**, Sir *Alfred de Vere*, Sir *Will. Berland*, Sir *Will.*

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h Plac. coram Rege term. *Trin.* 34 *E.* 3. rot. 20. Eſſex.

i Pat. 36 E. 3. p. 1. m. 33. in dorſo.

k Pat. 37. E 3. p. 1. m. 46. in dorſo.

l Par. 43 E. 3. p. 2. m. 19. in dorſo.

m Pat. 44 E. 3. p. 1. m. 33. in dorſo.

n Pat. 48 E. 3. p. 1. m. 30. in dorſo.

o Pat. 49 E. 3. p. 1. m. 19. in dorſo.

p Ibid. m. 9. in dorſo.

q Ib. m. 6. in dorſo.

r Ibid. m. 1. in dorſo.

s Pat. 50 E. 3. p. 1. m. 30. in dorſo.

t Par. 51 E. 3. p. 1. m. 41. in dorſo.

u Pat. 1 R. 2. p. 1. m. 25. in dorſo.

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Will. Wauton, Sir *John Symond*, Sir *John Chaneeux* Knights, *Geffrey Darſham*, *Rob. Rigdon*, and others, had the like [w] Commiſſion for the view and repair of the Banks in ſundry Marſhes through this County, which were then in decay; and power to chooſe and take ſo many Carpenters, with other Artificers and Labourers, as ſhould be needful for that work, whereſoever they might be found in this County, aſwell within Liberties as without, excepting the Fee of the Church; and excepting ſuch as were aſſigned for the ſaid King's ſpecial ſervice; and to imploy them therein; impriſoning ſuch as they ſhould find refractory. The next year following Sir *Will. de Wauton* Knight, *John de Middleton*, *Roger Mareſcall*, *Roger Germayn* and *John Stody*, were [x] in like ſort aſſigned, for thoſe upon the coaſt of **Thames**, and the Garden of **Farndon**, unto the Church of **Weſt Thurrok**. So alſo in [y] 4 *R.* 2. were the Abbot of **Stratford**, *Henry Aſty*, and *Laurence Allerthorpe*, for thoſe at **Eſthamme** and **Weſthamme**.

In 8 *R.* 2. the Abbot of **Stratford**, *Nich. Brembre*, Maior of the City of **London**, *Robert Bealknap*, *Nich. Carreu*, *Will. Rykehill*, *Richard Ryall* and *Roger Germyn*, were [z] appointed, as aforeſaid, for the view and repair of the Banks from **Stratford atte Bowe** to **Berkyng**. So alſo were [a] *Rob. Bealknap*, *Will. Wauton*, *John Guldeſburgh* and others, for thoſe in the Marſhes of **Barking** and **Dakenham**; and to act therein according to the Law and Cuſtome of the Marſhes, before that time exerciſed in thoſe parts. And in 15 *R.* 2. *John Radyngton* Prior of the Hoſpital of S. *Johns* of **Jeruſalem** in **England**, Sir *John Deyncourt* Knight, *Will. de Horbury* Clerk, *Thomas Newenton*, and others, had [b] the like appointment for thoſe betwixt **Reynham** and **Alvytheley**; and to act as aforeſaid.

But though by the great care, which the Kings of this Realm had, for the preſerving of divers coaſts from inundation, that lay thus in danger of the tides; and the ſafeguard of thoſe as had by great iuduſtry been won from the overflowing of the Sea; much advantage did accrue to the Common wealth: yet ſuch hath been the violence and irreſiſtable force of that element, being agitated by high and boyſterous winds, that notwithſtanding the utmoſt endeavours that could be uſed for prevention thereof, it ſometimes waſted and conſumed much in other places; of which, ſundry examples might be given, were it requiſite; but I ſhall only inſtance in one; *viz.* of the Lands and Marſhes belonging to the Abby of *S. Oſithes* in this County, whereof I find [c] mention in a Petition exhibited unto *Robert de Braybroke*, Biſhop of **London**, in the time of King *Richard* 2d. and to the Dean and Chapter of that Church, by Sir *Albred de Vere* Knight, who thereby ſheweth, that whereas that Monaſtery was ſituate neer the Sea coaſt, and had in it an Abbot and twenty Canons of the Order of *S. Auguſtine*, ſerving God there devoutly every day; and that the revenues thereof were, through various miſhaps, without their default, ſo diminiſhed, that a great part of their ſuſtenance was abated; *viz.* in **Southflete** C Acres of their arable land, by the overflowing of the Sea, totally drowned: As alſo there and at their Beckarie of **Coketwyk**, in one Paſture, wherein at ſometimes a C Kine and a thouſand Ew-ſheep might be kept, through the breach of the banks', and inundation thereof, then ſcarce *Lxx* Kine and eight hundred Ewes could be maintained. And moreover, that two Marſhes, called **Wyggebergh meres**, and **Holewyke merſh**, in which ſix hundred Muttons might be yearly kept, were then through the continual tides dayly overflown, that ſcarce four hundred could be maintained. And that the Water-Mill ſituate in the Town of *S.* **Oſiths**, and belonging to that Abby, which had been worth *xx*l. was by the Sea-tides ſo ſpoiled that it could not be repaired under an hundred pound chardge. And laſtly, that the Marſh walls in that Town, in length three miles, which included a Paſture for *Lxx* Kine, and a thouſand Muttons and Ewes, were ſo torn and broken at that time, that for the preſerving of the ſame, there muſt be other banks made anew, and thoſe old ones quitted; ſo that a great proportion of the ſaid Paſturage being for that reſpect to be left out, ſcarce fifty Kine and ſix hundred ſheep could be there maintained: In conſideration therefore of theſe loſſes, he petitioned that the Church of

w Par. 2 *R.* 2. p. 2. m. 32. in dorſo.

x Par. 3 *R.* 2. p. 1. m. 44. in dorſo.

y Par. 4 *R.* 2. p. 1. m. 17. in dorſo.

z Par. 8 *R.* 2. p. 1. m. 39 in dorſo.

a Par. 8 *R.* 2. p. 2. m. 29. in dorſo.

b Par. 15 *R.* 2. p. 1. m. 15. in dorſo.

c Ex autogr. in bibl. *Cottonian.*

of **Elmeſteve** might be appropriated to that religious Houſe.

Very many Commiſſions have I afterwards alſo ſeen, for the view and repair of the Banks *&c.* in this County; which I ſhall here only in a brief manner point at; *viz.* in 9 *H.* 4. to [d] *will. Gaſcoigne, will. Thirnyng, John Cokayn* and *Robert Tirwhit*, for thoſe betwixt **Stratford atte Bowe** and **Reynham**. In 8 *H.* 5. to [e] *Richard Baynard, will. Cheyne, Richard Rede* and *John Cornewailles*, for thoſe betwixt **Stretford atte Bowe** and **Stretford Langthorn**, on the South part the Road between thoſe Towns, and the River of **Thames**: By both which Commiſſions they were to act according to the Law and Cuſtome of this Realm.

In 17 *H.* 6. to [f] *John* Biſhop of **Bathe** and **Welles**, Sir *Raphe Crumwell* Knight, *John Fraye, Nich. Dykſon* and others, for thoſe from **Stratford atte Bowe** to **Hoyndone**; thence to **Hokley**; and thence to **Tolleſbery** and **Wybergh**; with power to make Laws and Statutes *&c.* according to thoſe of **Romeney** marſh; and to do all things touching the ſame repairs, according to the Law and Cuſtome of that Marſh: As alſo to impreſt ſo many labourers *&c.* for competent wages, as ſhould be needful for that work *&c.*

In 18 *H.* 6. to [g] Sir *Raphe Crumwell* Knight, *John Fray, Robert Rolleſtone* Clerk, and others, for all thoſe betwixt the town of **Ware** and the River of **Thames**, upon the River of **Leye**.

In 26 *H.* 6. to [h] *Peter Arden* one of the Juſtices of the Common Pleas, and chief Baron of the Exchequer, Sir *Thomas Tyrell*, and Sir *Maurice Bruyn*, Knights, *John Bamburgh, John Lymyngton*; and others, for thoſe betwixt **Poxtlete mylle** to **Reynham ſlete**; thence to **Reynham** Church; thence to **Wenyngton** Church; thence to the meſſuage of *Thomas Bernerde*; and thence to **Poxtlete mylle** before mentioned.

In 30 *H.* 6. to [i] the Abbot of *S. Oſithes, John Godmanſton* Eſquire, *Iohn Grene, Robert Tanfield*, and others, for thoſe in the Hundred of **Tenderyng**. In 33 *H.* 6. to [k] Sir *Thomas Tyrell* Knight, *will. Notyngham, Robert Heworth, Will. Tyrell* Eſquire, *Mathew Hay* Eſquire, and *Will. Pert*, for thoſe betwixt *S. Katherines* Chapel upon **Bowe** bridge, in the Pariſh of **Weſt Hamme**, unto **Eſt Tilbury**. In 34 *H.* 6. to [l] Sir *Thomas Tyrell* Knight, *will. Tyrell* junior Eſquire, *John Grene, John Geney*, and others, for thoſe within the limits of **Stratford atte Bowe** to **Hoyndone**; thence to **Hokley**; and thence to **Tolleſbery** and **Wyggeberghe**.

In 1 *E.* 4. to [m] *Will. Notyngham, Rob. de Heyworth, Thomas Heytone, Walter Wretille* Eſquire, and *will. Pert* Eſquire, for thoſe from the Mill called **Tempylmylle** to the Chapel of *S. Katherine* upon **Bolwebrigge**, thence to **Hoyndone** *&c.* as in the laſt. In 9 *E.* 4. to [n] Sir *will. Tyrell* Knight, *Thomas Urſwyk, Humfrey Sterkey*, and others, for thoſe Banks from **Eſt Hamme** to **Hoyndone**; and thence as afor-ſaid. The like Commiſſion [o], for the Banks in thoſe very places, had *John* Earl of **Oxford**, Sir *will. Tyrell* Knight, *John Grene, Thomas Urſwyk* and others, in 49 *H.* 6.

In 16 *E.* 4. Sir *Thomas Urſwyk* Knight, Sir *Thomas Montgomerie* Knight, Sir *Iohn Say* Knight, *John Elryngton, Will. Alyngton*, and divers others, were appointed [p] to view and take order for the repair of all the Banks *&c.* upon the River of **Leye**, both above and below the Town of **Ware**, unto it's confluence with the **Thames**. And the next year following, the ſaid Sir *Thomas Urſwyk, Peter Courtney* Clerk, *Alured Corneburgh* Eſquire, *Hugh Bryce*, and others, were in like ſort appointed [q] for thoſe Banks from **Bowebridge** to **Raynham**. In all which, from 6 *H.* 6. the ſaid Commiſſioners were directed to proceed according to the Law and Cuſtome of **Romeney** marſh; and to make Statutes and Ordinances for the regulating of all things touching thoſe Banks, Ditches, Sewers *&c.* in ſuch ſort as thoſe are, which concern that Marſh, as by an Act of Parliament made in the ſame 6th year of King *Henry* the ſixth, they were impowred; which Act continueth in force at this day.

Forbearing therefore to give inſtance in more particulars, I ſhall cloze up this Chapter, touching the Marſhes of the before-ſpecified County, with what I have met with, touching the levell of **Havering** and **Dagenham**, at a Seſſion of [r] Sewers held at **Romford**, xvo *Maii* 36 *Eliz.* before Sir *Henry Gray*

The Marſhes on Thames.

d Pat. 9 *H.* 4. p. 2. m. 21. in dorſo.

e Pat. 8 *H.* 5. p. 1. m. 7. in dorſo.

f Pat. 17 *H.* 6. p. 1. m. 29. in dorſo.

g Pat. 18 *H.* 6. p. 3. m. 5. in dorſo.

h Par. 26 *H.* 6. p. 2. m. 23. in dorſo.

i Pat. 30 *H.* 6. p. 1. m. 22. in dorſo.

k Pat. 33 *H.* 6. p. 1. m. 17. in dorſo.

l Par. 34 *H.* 6. part. 1. m. 23. in dorſo.

m Par. 1 *E.* 4. p. 1. m. 11. in dorſo.

n Par. 9 *E.* 4. p. 1. m. 14. in dorſo.

o Par. 49 *H.* 6. pars unica m. 9. in dorſo.

p Par. 16 *E.* 4. p. 2. m. 18. in dorſo.

q Par. 17 *E.* 4. p. 1. m. 4. in dorſo.

Ann. 36 *Eliz.*

r Extund. de Sewers in Cancellar. Rotul. m. 4.

The Marshes on Thames.

Knight, Sir *John Peter* Knight, *Richard Warren* Esquire, and others; where, for the recovery of **Havering** marsh, then overflown and drowned, and preventing the like to **Dagenham** levell; it was decreed; that **Dagenham** Creek should be immediately inned: and that whereas the said drowning had been occasioned by a breach in the wall of *will. Ayloff* of **Hornchurch** Esquire, he the said *William* to pay the summ of five hundred pounds, and the Land-holders of **Dagenham** certain rates by the Acre, for all their marsh grounds lying in the said levell; *viz.* the Lands on **Dagenham** side, against the said Creeks at *CCLxv* l. and the Lands in **Havering** levell the summ of *DCC* l.

Howbeit, these Banks being not made strong enough to withstand those tempestuous storms and violent tides, which hapned [f] in the month of *September* An. 1621. (*viz.* 19 *Jac.*) *Cornelius Vermuden* Gentleman (an expert man in the Art of banking and drayning) being treated withall by the Commissioners of Sewers, appointed for the view and repair of the breaches then made, undertook [t] the work, and perfected it: but [u] such being the perverseness of those, as [w] were owners of the Lands assessed by the Commissioners to undergo the chardge thereof, that they neglected to pay their proportions thereof: upon complaint therefore made to the said Commissioners, he the said *Cornelius* in recompence of his chardges, had parcell of the said Lands assigned [a] unto him: which assignation, was by the Kings Letters Patents, bearing date 1° *Aug.* 1° *Caroli* [reciting the Act of Parliament of 13 *Eliz.* cap. *ix. viz. that where any person should be assessed by the Commissioners of Sewers, to any lot, and refuse or neglect to pay the same, the Land to be leased or past in fee simple, in recompence to the undertaker*] confirm'd [w] to him the said *Cornelius* and his heirs. Ibid.

[f] Ex bund. Decretorum in officio vocato the Petti-bag.

CAP. XVIII.

HAving now done with the Marshes in **Essex**, of which, by reason of their adjacency unto the **Thames**, I thought fit to take notice in this order as I have done; I must, according to my designed method, return *Southward*, and before I come to **Sussex** of it self, observe what I have found touching that County and **Kent**, promiscuously.

In King *John's* time, upon a sute [a] betwixt the Archbishop of **Canterbury** & Prior of **Lewes** Plantiffs; and *Rob. de Denton*, and others, concerning certain Sea-banks in those parts; *Robert de Marti* (who was one summoned upon that businesse) appeared; and did put himself upon the men of the Archbishop, in **Mauling**, & of the Earl *Warren* in **Pidingho** and **Metinges**, for the repair of those banks, in such sort as they ought and had wont to be.

a Plac. de tem. Regis *Joh.* Fragmenta *fc.* [B] ror. 3.

A multitude of Commissions, through the reigns of sundry Kings, I do find, upon this occasion; whereof the most are in general terms, for the view and repair of the Banks, Ditches, and Sewers, in both those Counties; but some do expresse particularly in what places: unto all which I shall briefly point according to the course of time when they issued out; *viz.*

b Par. 27 *E.* 1. m. 12. in dorso. To [b] *Robert de Setvans*, *William de Hastings*, and *William Mause*, in 27 *E.* 1.

c Pat. 28 *E.* 1. m. 25. n dorso. To [c] *Henry de Appletrefeld*, *Robert de Setvans* and others, in 28 *E.* 1.

d Par. 30. *E.* 1. m. 13. in dorso. In 30 *E.* 1. to [d] *Lucas atte Gate*, *Robert de Setvans*, *Will. Mause* and *William Colebrand.*

e Pat. 31 *E.* 1. m. 34. in dorso. In 31 *E.* 1. to [e] *Robert Paulyn*, *Robert de Septem Vannis*, *Will. de Hastings*, and

f Pat. 32 *E.* 1. m. 22. in dorso. *Lucas atte Gate.* In 32 *E.* 1. to [f] *VVill. de Echingham*, *Robert de Passeleye* and *Henry*

g Ib. m. 15. in dorso. *VVardeden.* As also to [g] *John de Burun*, *VVilliam Mause* and *Lucas atte Gate.*

h Par. 34 *E.* 1. m. 6. In 34 *E.* 1. to [h] *John Malemeyns*, *Lucas atte Gate*, and *Robert Paulyn*, for those Banks, Ditches *&c.* in the Marshes of **Pycharde-broke**, and **Rechenhamme-broke**, and elswhere in the said Counties.

i Par. 35 *E.* 1. m. 14. in dorso. In 35 *E.* 1. to [i] *VVill. Pyrot*, *John Malemeyns*, *John de Gosehale*, and *Henry de Bugthorpe.*

k Par. 1 *E.* 2. p. 1. m. 8. in dorso. In 1 *E.* 2. to [k] *John Malemeyns*, *Lucas atte Gate*, and *Robert Paulyn*, for the Banks *&c.* in the Marshes of **Mayhamme** and **Losenhamme.**

l Par. 7 *E.* 2. p. 1. m. 24. in dorso. In 7 *E.* 2. to [l] *John Malemeyns* of **Stoke**, *Robert de Echynghamme*, and *Mathew de Knelle*, for those on both sides the River of **Newendene**, betwixt **Mathew** and **Bodihamme** bridge.

m Par. 10 *E.* 2. p. 2. m. 15. in dorso. In 10 *E.* 2. to [m] *Robert de Bardelby*, and *Edmund de Passele*, for those in the Marshes betwixt the **Redehulle** and the Town of **Roberts-Bigge**, on each side the River **Lymene.**

n Par. 14 *E.* 2. p. 2. m. 5. in dorso. In 14 *E.* 2. to [n] *John de Ifeld*, *John Malemaynes* of **Hoo**, and *Richard de Echingham*, for those in the Marshes betwixt the Town of **Apuldre** and **Roberts-Bigge**, on each side of the said River of **Lymene.**

o Par. 17 *E.* 2. p. 1. m. 3. in dorso. In 17 *E.* 2. to [o] *Stephan de Cobham*, *John Filoll*, & *VVill. de Robertsorigge*, for the same. So also to [p] *VVill. de Echynghar*, *Robert Bataill*, and *VVilliam de Robertsbrigge.*

p Par. 17 *E.* 2. p. 1 m. 31. in dorso.

About the beginning of *E.* 3. time, it being found by an Inquisition, * taken before *VVill. Trussell*, then the King's Escaetor on this side **Trent**, that the Chanel of a certain River, running betwixt the Lands of *Geffrey de Knelle*, and *Isabell Aucher*, between a certain place, called **Knellesflete**, in the confines of these Counties, and the Town of **Robertsbrigge** in **Sussex**, was so much enlarged, by the flowing of the Sea-tides into it,

* Par. 6 *E.* 3. p. 1. m. 22.

that ſix hundred and fifty acres of land, part belonging to the ſaid *Geffrey*, and part to others, were thereby totally drowned and conſumed: And that a certain Cauſey, which is the common high way lying betwixt the Land of *Iohn de la Gate*, in the ſaid County of **Suſſex**, and the bridge of **Newendon**; as alſo the ſaid bridge, were broken and demoliſhed by thoſe tides; and moreover, that divers lands, in the ſaid parts, would in a ſhort time be drowned and deſtroyed, except a ſpeedy remedy were had: And likewiſe, that it would not be to the damage or prejudice of the ſaid King, or any other, if he did grant licenſe to the ſaid *Geffrey* and *Iſabell*, and to other perſons having lands contiguous to thoſe places, to exclude the ſaid tides; and to raiſe a Bank at **Knelleſſlete** aforeſaid betwixt the lands of the ſaid *Geff.* & *Iſabell*, in that place, to reſiſt the ſaid tides, for preſervation of the lands, way, & bridge aforeſaid; to the end that the antient courſe of that River, might be preſerved by ſufficient Gutters, placed in that Bank: And, that unleſſe it were by ſuch an excluſion of the Tides, by making of ſuch a Bank, that the ſaid Lands, way, and bridge could not be in ſafeguard. The King therefore, being careful in all reſpects to provide for the defence of this his Realm, as was fit; granted licenſe to the ſaid *Geffrey* and *Iſabell*; as alſo to all thoſe who were like to have advantage by that excluſion; that they ſhould raiſe a certain Bank at **Knelleſſlete** beforementioned, for that purpoſe; and to make ſufficient Gutters therein, for the iſſuing out of the ſaid freſh water; and to repair the ſame Banks and Sluces, being ſo made, when and as often as need ſhould require.

In 10 *E.* 3. *Will. de Robertſbrigge*, *Will. de Recolvere*, *Joceline de Gatele*, and *Robert Bataille* were conſtituted [q] Commiſſioners to overſee the making of certain Sluces, Banks and Gutters for the ſafeguard of the lands of divers Tenants in the Towns of **Wightresham**, **Idene**, and **Peſemerſhe**; and to aſſeſſe all ſuch as had lands in thoſe parts, which were to take benefit thereby, for the performance of that work, according to the proportion of what they held.

[q] Pat. 10 *E.* 3. p. 1. m. 16. in dorſo.

About the ſame time, upon another Inquiſition taken, it being certified, that [r] by the ebbing and flowing of the tides, into a certain ſtream of freſh water, running betwixt the Lands of the beforeſpecified *Geffrey de Knelle*, and *Iſabell Aucher*, between **Knelleſſlete** above-mentioned, and the ſaid Town of **Robertſbrigge**, ſix hundred and fifty Acres of Land, belonging to the ſaid *Geffrey* and others, were drowned; the King thereupon granted the like licenſe to the ſaid *Geffrey* and *Iſabell*, to raiſe a certain Bank, at **Knelleſſlete**, to reſtrain thoſe Tides; as alſo to make Sluces, and ſufficient Gutters, for evacuation of the ſaid freſh water, ſo that the antient courſe thereof might be preſerved. And afterwards did appoint *Roger de Bavent*, *Roger de Hegham*, *Thomas de Lincolne*, and *Will. de Northo*, to overſee the making of that Sluce, and raiſing of the ſaid Bank; and to ordain aſſeſſments, and to diſtrain all ſuch, as by the ſaid Inquiſition ſhould be thought needful, to contribute to the chardge of that work, according to the proportion of their holding: which Banks, Gutters, and Sluce being accordingly made; and the ſaid King informed, that they were grown to decay, did by his Letters [s] Patents, bearing date at the Tower of **London** on the 8th day of *January*, in the ſaid tenth year of his reign, conſtitute *Will. de Orlauſton*, *Thomas de Gillingham*, *Stephan de Padiham*, and *John de Betenham*, to take view of them, and to provide for their repair.

[r] Pat. 10 *E.* 3. p. 2. m. 9. in dorſo.

[s] Ibid.

But in 22 *E.* 3. there being [t] a Petition preſented to the King, on the behalf of *James de Echingham*; and on the morrow after the Feaſt of *S. Hillarie*, exhibited before the ſaid King and his Councel, in his Parliament then held at **Weſtminſter**; importing, that thoſe Lands might have been preſerved, by the repair of the old Banks, on the verge of that River; and that the Bank made, by virtue of the ſaid King's Letters Patents, before mentioned (which thwarted the ſaid ſtream) was raiſed aſwell to the damage of the ſaid King, as of him the ſaid *James*; foraſmuch as thereby, ſuch ſhips and Boats, which had uſed to paſſe with victual and other things, from divers places in theſe Counties of **Kent** and **Suſſex**, unto his Mannour of **Echingham**, through this Chanel, were then hindred: as alſo to the deſtruction of his

[t] Par. 22 *E.* 3. p. 1. m. 11. in dorſo.

his Market Town of **Salehurſt**, ſituate upon the ſaid River, and of his Market there, which by the courſe of that water had been ſupported; and out of which the ſaid *James* and his Anceſtors had uſed to receive Toll and many other commodities: the King therefore, taking the ſame into conſideration; and that the ſaid *James* was no party to the before-ſpecified Inquiſition; nor at all called at the taking thereof, did revoke his ſaid Letters Patents, and command, that the ſaid Bank ſhould be demoliſhed. And deſiring to be certified, whether the ſaid lands, might be preſerved by the repair of thoſe old Banks on the verge of that ſtream, or not; and whether the ſaid Bank, ſo raiſed athwart that ſtream, were to his damage, or the damage of any other perſon; did by his Letters [u] Patent, bearing date the 8th of *April* in the year aboveſaid, aſſign *John de Strode*, *John de Ore*, *Robert de Sharnedene*, and *Philip en la Wyke*, to enquire, and certifie the truth thereof.

u Ibid.

And after this about two years, *Tho. de Paſſele*, *Thomas de Pympe*, *Stephan Scappe*, *Will. de Haldene*, and *Will. de Wyſtreſham*, were alſo appointed [w] to take a new view of theſe Banks.

w Par. 24 E. 3. p. 3. m. 13. in dorſo.

In 25 *E.* 3. *Stephan Scappe*, *Will. de VVightreſham*, *VVill. de Pageham*, and *Stephan Donet*, were aſſigned [x] to view and take order for the repair of the Banks *&c.* in **Promhell marſh**, betwixt **Long Shotteſwall**, and **Weſt-hevedeſwall**, **Newlandeſwall**, **Uetereswall**, and **Scallateſwall**, in the confines of theſe Counties. In 27 *E.* 3. *VVill. de Clinton* Earl of **Huntingdon**, *VVill. Fifhide*, *Reginald del Dik*, *Iohn de Ore*, *Stephan Scappe* and *John de Hodlegh*, had [y] the like aſſignation, for the Banks betwixt **Apuldre** and **Robertſbrigge**. So alſo, the year following, had *Stephan de Valoignes*, *VVill. VVaver*, *Iohn Brode*, *Stephan Scappe*, and *VVilliam de VVightreſham*, for thoſe in **Promhell** Marſh, before mentioned.

x Par. 25 E. 3. p. 2. m. 5. in dorſo.

y Par. 27. E 3. p. 2. m. 22. in dorſo.

In 30 *E.* 3. upon the complaint [z] of divers perſons in the Marſhes on the Sea coaſt, betwixt **Hethe**, neer **Saltwood** in **Kent**, and **Lewes** in **Suſſex**, and the parts adjacent; that many men of thoſe Counties, who had levyed and collected great ſumms of money of the Land-holders in the ſaid Marſhes, for repair of the Banks, Ditches *&c.* in the ſame, in the twentieth year of the ſaid King's reign, and at other times; and having ſo done kept the money to themſelves; ſo that the Banks, for default of that timely repair, which they ſhould thereby have had, being grown ruinous, expoſed the ſaid Marſhes and Lands to overflowing and drowning: the King therefore, by his Letters [a] Patents bearing date at **New-Caſtle** upon **Tine**, the 30th of *Ianuary*, in the year aboveſaid, aſſigned *Geffrey de Say*, *Raphe de Frenyngham*, *Will. de Fifhide*, and others, to enquire thereof.

z Par. 30 E. 3. p. 1. m. 23. in dorſo.

a

In 37 *E.* 3. *Rob. Belknap*, *Will. Haldene*, *Will. Topclive*, *Henry Goſebourne*, and *John Lyvet*, were made [b] Commiſſioners for the view and repair of the Banks *&c.* in **Promhell** marſh. So alſo, the ſame year, were [c] *Will. de VVightreſham*, *Stephan Donet*, and others.

b Par. 37 E. 3. p. 1. m. 5. in dorſo.

c Par. 37 E. 3. p. 1. m. 28. in dorſo.

And the next year following, Sir *Andrew Sakevill* Knight, *VVill. Haldene*, and *VVill. Bateſford* had the like Commiſſion [d] for thoſe betwixt **Haſtyngs** and **Newendon**.

d Par. 38 E. 3. p. 1. m. 8. in dorſo.

So alſo in 40 *E.* 3. had [e] *Rob. Bealknap*, *VVill. Haldene*, and *VVill. Horne*, *Robert de Ore* and *Iohn Lyvet*, for thoſe in the Pariſhes of **Wightriſham**, **Ebrene**, **Stone** in **Orene**, and **Idenne**.

e Par 40 E. 3. p. 1. m. 24. in dorſo.

In 42 *E.* 3. *Thomas de Lodelowe*, *Robert Bealknap*, *VVill. Bateſford* and others, [f] for thoſe in **Promhell marſh**. In 44 *E.* 3. *Thomas de Lodelowe*, *Rob. Bealknap*, *Iohn Colepepere*, *VVill. Horne*, *Roger Aſhburnham*, and *Iohn Edward* had [g] the like for thoſe betwixt **Knelleſflet** before-mentioned, and the Town of **Robertſbrigge**.

f Par. 42 E. 3. p. 1. m. 3. in dorſo.

g Par. 44 E. 3. p. 1. m. 33 in dorſo.

So alſo in 5 *R.* 2. had [h] *Robert Bealknap*, *Edward Dalingrugg*, *Roger Aſhburnham*, *Robert Echyngham*, *Iohn Edward* and *Iohn Broke*. The like in 7 *R.* 2. had [i] *Robert Bealknap*, *VVill. Rikhill*, *VVill. Bateſford*, and others, for thoſe betwixt **Newendon** and **Echingham**. So alſo, the ſame year, had [k] the ſaid *Rob. Bealknap*, *VVill. de Halden*, *VVill. de Horne*, *VVill. Makenade*, *John Lynot*, and *John Franceys*, for thoſe in the Marſhes of **Lyde**, **Promhill**, **Middele** and old **Romeney**. With direction to act according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romney** marſh. And likewiſe [l] the ſame *Robert Bealknap*, *VVill. Horne*, *VVill. Beteſford*, *Stephan Batenham*, *VVill.*

h Par. 5 R. 2. p. 2. m. 29. in dorſo.

i Par. 7 R. 2. p. 1. m. 26. in dorſo.

k Par. 7 R. 2. p. 1. m. 26. in dorſo.

l Par. 7 R. 2. p. 1. m. 26. in dorſo.

Will. Makenade, Will. Brencheſle and *John Fraunceys*, for thoſe Banks *&c.* betwixt **Robertſbꝛigge** and **Smallyde**.

In 31 *R.* 2. *John Devereux* Conſtable of **Dovoꝛ** Caſtle, and Warden of the Cinque Ports, *Thomas de Hungerford, Will. Rikhill, Will. de Horne*, and others, were conſtituted [m] Commiſſioners for the view and repair of thoſe Banks *&c.* between **Bourne** in **Suſſex**, and **Apuldꝛe** in **Kent**, and impowred to proceed therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

[m] Pat. 13 *R.* 2. p. 1. m. 34. in dorſo.

In 1 *H.* 4. *William de Makenade*, and his fellow Commiſſioners, ſitting at **Apledoure** on the *Thurſday* next after the Feaſt of S. *Valentine*, to enquire of the defects in the Banks & Sewers within the Precincts of **Smal Lyde** & **Pꝛomhelle**, it was then and there found [t] that ſix hundred twenty and eight Acres of Mariſh, lying in a place called the **Becard**, which had long layn in danger of the Sea, and at that time were often overflowed, ought to be preſerved and defended by a certain Bank, beginning at **Fayꝛefeld's hole**, in the ſaid place called **Becard**, and ſo extending it ſelf by the Sea-ſide, unto the Bank of the Prior and Covent of *Chriſts-Church* in **Canterbury**, towards the *North*; which Bank ought to be made on that Sea-coaſt, at the common chardge of all perſons receiving advantage and benefit thereby: and that the Abbot and Covent of **Robertſbꝛigge**, were then poſſeſt of *CCLxxi* Acres and an half of the ſaid Marſhes, for which they ought to contribute to the ſaid chardge of making that Bank: and that *Thomas* then Archbiſhop of **Canterbuꝛy**, with the ſaid Prior and Covent of *Chriſts-Church*, and certain other perſons, were poſſeſſors of the reſidue thereof; for the which, every one of them, according to the proportion of what he ſo held was to contribute.

[t] Ex ipſo autc. penès *Orland. Bridgeman*, Eq. aur. anno 1659.

Upon which verdict there grew a diſpute, betwixt the ſaid Prior, and the Abbot of **Robertſbꝛigge**, the Abbot and his Covent alleging that their proportion of the ſaid Marſh, ſo to be defended, was much greater than by that Inquiſition the Jurors had found it to be; for they ſaid, that *Henry* ſometime Earl of **Augi**, by a certain grant of his, gave to the then Abbot of **Robertſbꝛigge** (Predeceſſor to the preſent Abbot) and the Covent of that Houſe, ſeven hundred Acres of Mariſh, in the Town of **Snergate**, aſwell within the Bank as without; of which they ſaid that the mariſh then to be taken in, was parcell; and to make good this their claim, did exhibit the Charter of the ſaid Earl made time out of mind; as alſo the Letters Patents of King *Richard* the firſt, and King *Henry* the third, with other Kings, ratifying the ſaid grant.

Whereunto the Prior of **Canterbuꝛy** anſwered; that upon the making of that Charter by the ſaid Earl of **Augi**, there aroſe a controverſie betwixt *Alan* then Prior of *Chriſts-Church* and his Covent, as Lords of the Mannour of **Apuldꝛe**, within the Precinct whereof the ſaid Marſh lay ſituate; and *Dionyſe* then Abbot of **Robertſbꝛigge**, and the Covent of that Monaſtery, for the title of that whole Mariſh; and that, upon an amicable agreement then made betwixt them, the ſaid Abbot and Covent did quit all their title thereto, unto the before-ſpecified Prior and Covent of *Chriſt-Church*: But the ſaid Prior and Covent, out of a pious regard to the wants of the ſaid Abbot and Covent, did by their ſpecial favour, then grant them and their ſucceſſors, one hundred Acres of thoſe ſeven hundred; *viz.* one hundred lying next to the Bank of the ſaid Abbot and Covent, neer unto the Land of *Adam de Cherringe*, which at that time they had incloſed about the **Newewoꝛꝛove**: and that this Agreement was by the beforementioned Earl then ratified and confirmed, as the Inſtruments teſtifying the ſame, then exhibited, did fully manifeſt; ſo that the ſaid Abbot & Covent ought not to challenge any thing more in that mariſh, other than in thoſe C Acres, ſo given to them as aforeſaid.

In conſideration therefore of all the premiſſes, and circumſtances thereof, and eſpecially of the Antiquity of the Evidences produced on each part; as alſo to the obſcurity of the bounds and limits of the ſaid Towns of **Snergate** and **Apuldꝛe**, the perfect knowledge whereof, by reaſon of the great and continual inundation of the Sea, could not, or was ever likely to be well diſcovered: all parties therefore more deſiring peace than ſtrife and contention; did unanimouſly

mouſly agree; that the ſaid Prior and Covent of *Chriſts-Church* ſhould releaſe unto the Abbot and Covent of **Robertſbrigge**, and their ſucceſſors, all their title to that parcell of land, called the **Newewoderove**, and in *xxviij* Acre of land, then newly incloſed in the **Becarde**, towards **Apuldre**; and in the ſaid *CCLxxi* Acres and a half of Land, then to be incloſed, in the **Becarde**, adjoyning to the ſaid parcell of land, called the **Newewoderove**, lying in length under the Bank dividing the ſaid Land of the **Newewoderove**, and the ſaid Marſh ſo to be incloſed in the **Becard**, ſo that the ſaid Prior and Covent of *Chriſts-Church*, nor their ſucceſſors ſhould have power to claim any right therein after that time.

And in like ſort the ſaid Abbot and Covent of **Robertſbrigge**, did releaſe unto the ſaid *Thomas* Archbiſhop of **Canterbury**, and to the Prior and Covent of *Chriſts-Church*, and their ſucceſſors, all their right and title to the reſidue of that Mariſh, lying next to the Church of **Fayrefelde** towards the Eaſt, and the courſe of the Sea, paſſing from **Rye** to **Apuldre** towards the Weſt; and the bounds dividing the Counties of **Kent** and **Suſſex**, towards the South; ſo that they ſhould chalenge no title therein from thenceforth.

Which agreement was ſo made by the ſaid Inſtrument under their publick Seals, and beareth date at **Canterbury** on the *xx*th day of *March*, in the year before-mentioned.

In 2 *H.* 4. *Thomas Erpyngham*, then Conſtable of **Dover** Caſtle; *Will. Brencheſle*, *Robert Oxenbrigge*, *Will. Marchaunt* and others, had [n] Commiſſion for the view and repair of thoſe Banks and Sewers lying betwixt **Farleigh** in **Suſſex** and **Apuldre** in **Kent**: with power to act therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

n Par. 2 *H.* 4. p. 3. m. 4. in dorſo.

The next year following, *Will. Rikhill*, *Will. Makenade*, *Stephan Betenham*, *Will. Bertyn*, *Henry Horne*, and *John Proude*, had [o] the like, for thoſe in the Marſhes of **Lyde**, **Promhull**, **Middele**, and old **Romney**: with direction to do all things therein, according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romney** marſh.

o Pat. 3 *H.* 4. p. 1. m. 19. in dorſo.

In 2 *H.* 5. Sir *John Pelham* Knight, *Richard Nortone*, *Thomas Colepepir*, *William Cheyne* and others had the like Commiſſion [p] for the view and repair of the Banks, betwixt the Port and Town of **Rye**, and **Bodyham** bridge; and to act therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

p Pat. 2 *H* 5. p. 2. m. 37. in dorſo.

In 5 *H.* 5. *Robert Oxenbrigge*, *VVilliam Marchaund*, *John Halle* junior, *VVilliam Cheyne*, and *Adam Iwode*, had [q] the like appointment for thoſe betwixt the Town of **Rye** in **Suſſex**, and **Ebbeneye** in **Kent**: and to act according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm of **England**.

q Pat. 5 *H.* 5. parte unica, m. 34. in dorſo.

So alſo in 7 *H.* 6. had [r] Sir *Roger Fenys* Knight, *Henry Hoorne*, *Robert Oxenbrigge*, *Thomas Auger*, *Richard VVakeherſt*, and others, for thoſe betwixt **Bodyham** bridge in **Suſſex**, and **Smalhyde** in **Kent**: with direction to proceed therein according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romney** marſh: as alſo to take up ſo many labourers, upon competent wages, as ſhould be neceſſary for the ſaid work.

r Pat. 7 *H.* 6. p. 1. m. 8. in dorſo.

CAP. XIX.

I Now come to **Suſſex** alone. Where the firſt Commiſſion [a] of Sewers, that our Records do take notice of, was in 17 *E.* 1. being directed to *Roger de Leukenore*, and *Lucas de la Gare*. **Suſſex.**

a Par. 17 *E.* 1. m. 20. in dorſo.

The next year following, upon complaint [b] made by the Abbots of **Bataille** and **Bekeham**; as alſo by the Priors of [c] **Okeburne**, **Lewes**, and **Haſtings**, together with *Baldwin de Aldham*, and many others, who had Lands about **Pevenefel marſh**; that whereas the King had aſſigned the before-mentioned *Roger de Leuknore*, and *Lucas de la Gare*, to take view of the Banks and Sea-diches neer the ſaid Marſh, and to provide for the ſafeguard and defence, of all perſons, aſwel rich as poor, as had lands thereabouts;

b, c Par. 18 *E.* 1. m. 16. in dorſo.

bouts; the ſaid *Lucas*, together with the Prior of **Michelham**, *will. de Donne* &c. not proſecuting the ſaid King's appointment and order, did begin to raiſe a certain Bank overthwart the Haven of **Pevenesel**, as alſo a Sluſe; intending to finiſh them; ſo that the freſh water could not paſſe, through the midſt of the ſaid Marſh, to the Sea, by the ſame Haven, to the great peril of all perſons there dwelling, and apparent drowning of their lands by the frequent overflowing of the ſaid freſh water: For remedy thereof, the King therefore, by his Letters [c] Patents, dated at **Weſtminſter** 15° *Julii* in the 18th year of his reign, conſtituted *John de Laſcy*, and *Will. de Echingham* his Juſtices, to make enquiry, by the Oaths of honeſt and faithful men, touching the ſame; and then to do therein according to their diſcretion.

In 23 *E.* 1. *Will. de Stoke* was aſſociated [d] to the before-mentioned *Roger* and *Lucas*, for the viewing and repair of the Banks *&c.* in this County.

[d] Pat. 23 *E.* 1. m. 4. in dorſo.

In 31 *E.* 1. the King being informed, [e] that the Banks and Ditches, which had been made in the Marſh of **Wyncheſſe**, for the defence of his lands there, and preſervation of the adjacent parts, were then ſo broken, by the overflowing of the Sea, that the ſaid Lands were in danger to be drowned and loſt: and that his Tenants of thoſe lands, by reaſon of a certain antient compoſition made betwixt them, and the Tenants of other lands in that Marſh; which was, that the ſaid Kings lands, ſhould be defended in ſuch reparations, by the other Landholders there, refuſed to contribute to the repair of thoſe Banks and Ditches: And being alſo informed, that the Tenants of the other lands, were not able to undergo thoſe repairs, by reaſon of the great expence, which would be requiſite thereto: Taking care therefore, of his own indempnity, and the preſervation of thoſe Marſhes, he directed his Precept [f], to *Thomas Alard*, Guardian of his lands of that Marſh, commanding him, that he ſhould, for the preſent occaſion, cauſe an equal contribution to be made, out of thoſe his lands, according to a juſt and proportionable Tax, with the ſaid other Land holders; leſt for want thereof a greater loſſe might afterwards happen; for which he the ſaid *Thomas* was to receive allowance out of the Exchequer.

[e] Clauſ. 31 *E.* 1. m. 2.

[f] *E.* 1. m. 2.

But after this, the very next enſuing year, upon an Inquiſition [g] taken by *Rob. de Septem Vannis*, *Will. de Haſtyngs*, and *Robert Paulyn*, whom the King had aſſigned to take view of the Banks and Ditches in this County, and to cauſe them to be repaired (which was returned into the Chancery;) it was found, that the ſaid Marſh of **Wincheſſe**, could not be defended and preſerved by the old wall, ſituate towards the Eaſt: and that if it ought to be defended, it would be neceſſary to have a certain new Bank there, of the length of *CCCL.* Perches: and that the ſaid new Bank, could not be made by thoſe, who according to the antient compoſition before-mentioned, had wont to repair that old bank; foraſmuch as they, who were in that ſort lyable to the repair of the ſaid old bank, were not able, in regard of the diminution of their lands, to bear the whole chardge thereof themſelves: He therefore directed another Precept [h] unto the ſaid *Thomas Alard*, requiring him to take care, that ſuch contribution ſhould be made thereto, out of his own lands, and the lands of others, as is above expreſt. And hereupon the ſaid King iſſued out a Commiſſion to the ſaid *Robert*, *William* and *Robert*, to ſee that the contribution which the ſaid King's Bayliff was to make therein, ſhould be well and alſo faithfully aſſeſſed.

[g] Clauſ. 32 *E.* 1. m. 17.

[h] Ib.

A multitude of other Commiſſions were afterwards granted to ſundry perſons, for to take care of the banks in the other Marſhes of this County; *viz.* in 1 *E.* 2. to [i] *John Malemeyns*, *Lucas atte Gate*, and *Robert Paulyn*, for thoſe in **Pevenese** marſh.

[i] Pat. 1 *E.* 2. p. 1. m. 10. in dorſo.

In 2 *E.* 2. to [k] *Will. de Echingham*, *Henry de Wardeden*, and *John Fylol*, for thoſe in the Marſhes of **Wyltyng**. And the ſame year, to [l] *Robert de Clyderhou*, and *John Fillol*, for all the Marſhes in this County.

[k] Pat. 2 *E.* 2. m. 22. p. 2. in cedula.

[l] Pat. 2 *E.* 2. p. 2. m. 23. in dorſo cedulæ.

In 3 *E.* 2. to [m] the ſaid *William*, *Henry* and *John*, for thoſe in the Marſhes of **Fothie**, and **Wyltyng**. And the ſame year to [n] *Robert de Clyderhou*, *John Fyliol*, and *John de Brydeney*, for thoſe in **Pevenſey** marſh.

[m] Pat. 3 *E.* 2. m. 38. in dorſo.

[n] Ib. m. 26. in dorſo.

In 4 *E.* 2. to [o] *Robert de Paſſeley*, *Henry de Wardeden* and *John Filliol*, for thoſe banks

[o] Pat. 4 *E.* 2. p. 1. m. 16. in dorſo.

Banks in the parts of **Tillingham**, by which the Marſhes of **Tillingham** and **Eſt-Wytenham** were wont to be defended both from the overflowing of the freſh and ſalt waters.

p Par. 5 E. 2. p. 1. m. 8. in dorſo. In 5 *E.* 2. to p *Henry de Wardeden* and *John Fillol*, for thoſe in the parts of **Northie** and **Lullingtone**.

q Par. 7 E. 2. p. 2. m. 18. in dorſo. In 7 *E.* 2. to q *John Heringod*, *John Filol*, & *Will. de Sneylham*, for all thoſe upon the Sea-coaſts, throughout this County.

r Ib. m. 2. in dorſo. And ſo alſo the ſame year, to r *Andrew Peverell*, *Will. de Northo*, *John Filiol*, and *Will. de Snaytham*.

ſ Pat. 8 E. 2. p. 1. m. 4. in dorſo. In 8 *E.* 2. to ſ *John Heryngaud*, *John Filiol*, and *John de la More*, for thoſe in the Marſh of **Filesham**, **Borle**, **Wyltyng**, and **Crawherſt**.

t Par. 9 E. 2. p. 2. m. 17. in dorſo. In 9 *E.* 2. to t *Edm. Paſſheleye*, *Stephan Alard* of **Wyncheſle**, and *Mathew de Knolle*, for thoſe in the parts of **Tillingham** before-mentioned.

u Pat. 10 E. 2. p. 1. m. 38. in dorſo. In 10 *E.* 2. to u *Will. de Echyngham*, *Andrew Peverell*, *John Filiol*, and *Will. de Sneylham*, for all thoſe upon the Sea-coaſts, throughout this County. The

w Pat. 11 E. 2. p. 1. m. 9. in dorſo. like Commiſſion w had *Will. de Echyngham*, *John de Iſeld*, *William de Northo*, and *William de Snaylham*, in the ſame year.

x Par. 13 E. 2. m. 27. in dorſo. In 13 *E.* 2. to x *Henry Beauſiz*, *John de Bergham*, and *John Dalingrugge*, for thoſe in the parts of **Peveneley** and **Haſtings**.

y Ib. m. 36. in dorſo. So alſo the ſame year, to y the ſaid *Henry*, *Andrew Lutterell*, and *John Dalingrugge*.

z Clauſ. 15 a E. 2. m. 35. In the tenth year of *Edward* 2. the ſaid King, at z the requeſt of *Robert de Sapy*, in conſideration of his good and faithfull ſervice, granted by Charter, unto the ſaid *Robert* and *Aliva* his wife, liberty to incloſe as much of **Pevenele** marſh as was then overflowed, and in the occupation of no man; and to hold it of the ſaid King and his heirs during their two lives, for a pair of gilt Spurs, to be paid into the ſaid Kings Exchequer every year upon the Feaſt day of S. *John Baptiſt*. But foraſmuch as the ſaid *Robert* and *Aliva* did take no benefit of that grant, but delivered in their ſaid Charter into the Chancery, to be cancelled; the King by his Precept a, dated at **Weſtminſter** 13 *Auguſt*, in the 15th year of his reign, commanded the Barons of his ſaid Exchequer, to ſuperſede their demand of the ſaid Spurs.

In 16 *E.* 2. *Edmund de Paſſele*, *Will. de Northo*, and *Will. de Robertſbrigge* were b appointed to view and take order for repair of the banks *&c.* at **Worthing** and **Pevenele**, and elſwhere in this County. b Par. 16 E. 2. p. 2. m. 12. in dorſo.

In 18 *E.* 2. *Giles de Briaunzon*, *John Filol*, *Will. de Robertſbrigge*, and *John de Dalingrigge* had c the like appointment, for thoſe in the parts of **Pevenſe** and **Haſtings**. c Par. 18 E. 2. p. 2. m. 5. in dorſo.

In 5 *E.* 3. *Will. de Robertſbrigge*, *Robert de Sharden*, and *Thomas de Wyvill*, had d the like for thoſe in the Rape of **Haſtings**. So alſo in 6 *E.* 3. had e *Thomas de Faverſham*, *Richard de Groſberſt* and *Robert de Bataille*, for thoſe in **Northmerſhe**, neer **Rye**, and **Spadelond** merſh, betwixt **Wyncheſle** and **Damſe** wall. The like in 8 *E.* 3. had f *Thomas de Faverſham*, *Will. de Robertſbrigge*, and *Goſceline de Gatele*. d Par. 5 E. 3. p. 2. m. 32. in dorſo. e Par. 6 E. 3. p. 3. m. 3. in dorſo. f Par. 8 E. 3. p. 2. m. 19.

About two years afterwards, the King, directing his precepts to *Will. de Robertſbrigge*, *Robert de Shardenne*, and *Robert Bataille*, wherein he recited, that whereas he had aſſigned them the ſaid *William*, *Robert* and *Robert*, or any two of them, to view the Banks and Watergangs in the marſh called **Northmerſhe**, neer **Rye**, and in the marſh of **Spadelond**, betwixt **Wyncheſle** and **Daunſwall**, and in other Marſhes adjoyning; and to enquire by the Oaths, aſwell of Knights as others, through whoſe neglect the defaults in thoſe Marſhes had happned: And that whereas by Inquiſition, taken by the ſaid *William*, *Robert* and *Robert*, it was, amongſt other things found, that there were *cxxviij* acres of land in the ſaid marſh, which did belong to the King's Mannour of **Iham**; and that the ſaid King's Bondmen there, held of him *xxx* acres of land, called **Spadelond**, in the ſaid Marſh; as alſo that the ſaid King's lands and the lands of others, could not be preſerved, except a contribution were made out of them for neceſſary chardges tending to ſuch their ſafeguard: And that they the ſaid Commiſſioners had forborn to proceed farther therein, becauſe they had not power to compell the ſaid King thereto, as by the tenor of the ſaid Inquiſition appeareth: He therefore, for preventoin of the damage and peril, which for default of ſuch repair of thoſe banks *&c.* might happen, being willing, that in what concern'd g Clauſ. 10 E. 3. m. 28.

himſelf, all ſhould be done according to reaſon; commanded them the ſaid *William, Robert* and *Robert*, that they ſhould aſſeſſe his ſaid Lands, for contribution to thoſe repairs, according to the quantity of them, as they did others for theirs. And moreover gave command to *Stephan Padiham*, his Bayliff of **Jhamme**, that he ſhould contribute, out of the profits of that Mannour, towards thoſe repairs, according to the proportion of what the ſaid King held in thoſe Marſhes, in ſuch ſort as others did; to the end that the ſaid repairs might not any wayes be retarded.

In 14 *E.* 3. *Geffrey de Cotes*, *Thomas de Weyvill*, and *Philip de Ellevenwyk*, had [h] Commiſſion for the view and repair of the banks *&c.* on the Sea-coaſt, in the Marſh neer **Peveneſey** and **Willingdon**, and thoſe adjacent. And the like Commiſſion [i], in 15 *E.* 3. had *John de Frenes*, *Will. de Notton*, *Rob. de Sharenden*, & *Thomas de Battenham*, for thoſe betwixt **Bremeſley** in the Pariſh of **Birle**, and a place called the **Slough**, lying betwixt **Peveneſey** and **North Eye**.

h Par. 14 E. 3. p. 1. m. 33. in dorſo.

i Par. 15 E. 3. p. 3. m. 11. in dorſo.

And in 16 *E.* 3. the King, by his Precept [k], directed to *John Clynde*, then Bayliff of his Mannour of **Jhamme**, wherein he reciteth his commands to *Stephan Padiham*, his Bayliff of the ſame Mannour, in the 10th year of his reign (as I have already ſhewed) and the neceſſity of the repair of thoſe Banks in **Northe merſhe** and **Spadelonde**, gave him alſo ſtrict chardge, that he ſhould not omit to contribute, out of the revenue of that Mannour, according to the proportion which he the ſaid King had in thoſe Marſhes, in ſuch ſort as others did for their Lands; foraſmuch as the ſaid Banks were at that time, for the moſt part, very ruinous.

k Clauſ. 16 E. 3. p. 2. m. 26.

But notwithſtanding this great care, which it appears the King had, the work was not perfected of three years after: for in 19 *E.* 3. I find the like Precept [l] directed to the ſame *Stephan*, who was, again, his Bayliff of the ſaid Mannour in that year.

l Clauſ. 19 E. 3. p. 2. m. 12.

In 17 *E.* 3. Sir *Andrew de Sakevill*, Sir *Andrew Peverell*, Sir *John de Fiens* Knights, and *William de Seſſingham* had [m] Commiſſion to view and repair the Banks *&c.* in **Wretling**, **Hoo**, **Nonfield**, **Aſhburnham** and **Birle**, **Peveneſey**, **Shipegongebrigge**, and alſo **Piglynde**.

m Pat. 17 E. 3. p. 2. m. 6. in dorſo.

What was done in that Marſh of **Spadelonde**, before mentioned, in purſuance of the ſaid Kings Precept, I cannot ſay: but this is certain, that within few years after, through the force of great Tempeſts, the Sea-banks betwixt **Wincheſſe** and **Dauneſwalle**; and betwixt **Pykammyll** and **Trecherie**, were ſo broken and decayed, that as well the Kings Lands, as the Lands of divers other perſons, in that Marſh, were overflowed at every Tide; to the danger of their utter ruine, and the apparent depauperation of the Town of **Wincheſſe**, and the parts adjoyning: The King therfore, for the ſpeedy repair thereof, did in the 25 of his reign aſſign [n] *John de Ore*, *Stephan de Horſham*, *Robert Arnald*, and *Will. de Pageham* his Commiſſioners, to view them, and to take order therein.

n Par. 25 E. 3. p. 1. m. 23. in dorſo.

In like ſort, in 32 *E.* 3. were [o] Sir *John Waleys*, Sir *Hugh de Boucy* Knights, *Thomas de Thorpe*, and others, appointed Commiſſioners, for the view and repair of thoſe, in a certain place, called **Pende**, betwixt the Towns of **Brembre**, **Shoreham** and **Launcyng**. So alſo in 33 *E.* 3. were [p] *John de la Lee*, *Andrew Saukeville*, and others, for thoſe Banks in the Marſhes of **Peveneſey**, **Bourne** and **Wylyngdon**. The like [q] Commiſſion had they, the year following, for thoſe in the Marſhes of **Peveneſeye**, **Wylyngdon**, and **Eſtburne**, between **Haſtings** and **Seſſord** and the parts adjacent. So alſo [r] in 36 and [s] 38 *E.* 3.

o Par. 32 E. 3. p. 1. m. 30. in dorſo.

p Par. 33 E. 3. p. 1. m. 29. in dorſo.

q Par. 34 E. 3. p. 1. m. 17. in dorſo.

r Par. 36 E. 3. p. 2. m. 18. in dorſo.

s Par. 38 E. 3. p. 2. m. 13. in dorſo.

And in 40 *E.* 3. *Raph Spigurnell*, *Robert Bealknap*, *Andrew de Guldeford*, and others, were [t] aſſigned to view and repair the Banks of thoſe Marſhes, within the liberty of the Town of **Rye**, towards the Eaſt, unto the Kings high way, which leadeth from **Playden** unto the ſame Town of **Rye**; and towards the South, to the ſaid Town of **Rye**; and towards the Weſt, to the Sea-bank, called **Welflet**; and towards the North, to the lands which are called **Bernardeſhill**, from **Rygeſwyſt**: with direction to determine all things therein, according to the antient Law and Cuſtome of this Realm.

t Par. 40 E. 3. p. 1. m. 27. in dorſo.

Upon an Inquiſition [u] taken in 42 *E.* 3. the

u Ex bundello de Brev. & Recordis, Wallias *&c.* tangentibus, temp. E. 3. n. 12.

the Jurors preſented upon their Oaths, that one *William Fiſhburne* Clerk, had then newly made a ſtone wall, upon the Sea-coaſt, at **Boſeham**, in pure alms, and of his meer and free will, without any cohercion whatſoever; whereas before that time, there had not been, in the memory of man, any Bank or defence there againſt the Waves of the Sea; but the ground lay waſte, through the ebbing and flowing of the Tides. And they farther ſaid, that the Biſhop of **Exeter** was then Lord of the Town of little **Boſeham**, and that his Lordſhip there lay abutting on the Sea-ſhore in length; *viz.* from the Prebend of **Fouctone** to ..... of **Boſeham**, on the Eaſt part, to the Prebend of **Weſtbroke**, in the ſaid Church on the Weſt part; excepting one Watermill, a Smiths Forge, and a Cotage: and that the ſaid Biſhop had divers edifices there, in the hands of Bondmen, which were then worth by year, beyond repriſes, *xiij*ˢ. *iiij*ᵈ. And that ſeveral other perſons had alſo Lands there. And moreover, that the ſaid Biſhop, and the reſt of the Land-holders there, were bound to contribute towards the making defence againſt the Sea-tides there, according to the proportion of what they held.

ʷPat. 42 E. 3. p. 2. m. 14. in dorſo. And in the ſaid 42 year of *E.* 3. it appears, ʷ that *Robert Bealknap*, *Robert Churchehull*, *William Merlot*, *John Vvyn*, and others, were appointed to ſee to the repair of thoſe Banks *&c.* at **Boſeham**.

ˣ Pat. 44 E. 3. p. 1. m. 33. in dorſo. In 44 *E.* 3. *Godfrey Folejaumbe*, *Robert Bealknap*, *Roger Aſhburnham*, and others, were conſtituted ˣ Commiſſioners for the view and repair of the Banks, betwixt the Towns of **Boyne** and **Rye**. In the

ʸ Pat. 48 E. 3. p. 1. m. 30. in dorſo. like ſort were ʸ the Abbot of **Battaile**, *Rob. Bealknap*, *Roger Aſhburnham*, and others, in 48 *E.* 3.

ᶻ Pat. 48 E. 3. p. 2. m. 11. in dorſo. ᵃ In the ſame year, the King being informed ᶻ that the Burgers of **Wyncheſſe**, had, for the advantage of that Town, and benefit of the whole Countrey, built a certain Bridge at **Pypewel**, over a water, called the Chanel of **Wyncheſſe**, upon the ſaid Kings ſoyl, on both ſides of the water, for the paſſage of people, and all carriages; which was not done with little chardge: And that by the violence of the Tides, and flouds of freſh water paſſing to the Sea, the ſaid Bridge and banks, on each ſide the ſaid water, betwixt the ſaid Town of **Wyncheſſe**, and the Towns of **Daymere** and **Rye**, were ſo broken down and ruined; and all the High-wayes about the ſaid Town of **Wyncheſſe** ſo overflowed, that ſcarce any one could come in or out thereof: he granted Commiſſion ᵃ to the Abbot of **Bataille**, *Thomas de Reyns*, Lieutenant to the Conſtable of **Dover** Caſtle, *Will. Bateſford*, *Roger de Aſſeburnham*, and others, to view the ſaid Bridge and Banks, and to take order for the repairing of them.

In 2 *R.* 2. *Will. Horne*, *Roger de Aſheburnhamme*, and *John Edward*, were appointed ᵇ Commiſſioners for the view and repair of the banks *&c.* betwixt **Wooxlyng** and **Cateſcelde**. ᵇ Par. 2 *R.* 2. p. 2. m. 32. in dorſo.

In 3 *R.* 2. upon complaint ᶜ made to the King, by the Commonalty of the Town of **Wyncheſſe**; ſhewing, that there was a common way, called **Copgreys**, then lately leading from the ſaid Town, unto **Bataille**; as alſo a certain Marſh called **Dynſoale**, lying betwixt the Towns of **Wyncheſſe** and **Haſtyngs**; which way and Marſh, through the neglect of ſome perſons in thoſe parts, who of right ought to repair and maintain them, were deſtroyed and overflowed by the Sea; the ſaid King, by the aſſent of his Prelates, Barons *&c.* then ſitting in Parliament, aſſigned ᵈ the Abbot of **Bataille**, *Rob. de Bealknappe*, & *Will. de Batteſford* to take view of the ſaid way & Marſh; and to enquire by the Oaths of honeſt and lawful men *&c.* through whoſe default, thoſe damages had happned, and who had uſed, and ought to repair them; and to compell them thereto in ſuch ſort, as in **Romeney** marſh, in the like caſe had been accuſtomed: And moreover to do and perform all things therein, according to the Law and Cuſtome of this Realm, and the Laws and Cuſtomes of **Romeney** marſh, aforeſaid. ᶜ ᵈ Par. 3 *R.* 2. p. 1. m. 40. in dorſo.

In 4 *R.* 2. Sir *Thomas de Hungerford* Knight, *John* Prior of **Wicheſham**, *Will. Horne*, *Roger Aſhburnham*, and others, were made ᵉ Commiſſioners for the view and repair of thoſe banks upon the Sea-coaſts, betwixt the town of **Bourne** and the Towns of **Helyng** and **Birle**. And the next year following, Sir *Edward* ᵉ Pat. 4 *R.* 2. p. 1. m. 17. in dorſo.

Dalyngrugge Knight, Sir *Edmud Fitzherbert* Knight, *John Edward*, *VVill. Olmeſted*, and *Thomas Blaſt*, were in like ſort conſtituted [f] for thoſe within the Rape of **Pevenele**.

f Pat. 5 R. 2. p. 2. m. 29. in dorſo.

In 6 *R.* 2. the King directed his Precept [g] to *Adam de Limbergh*, Guardian of his Manour of **Idene**; commanding him, that out of the form of the ſaid Manour, he ſhould cauſe the banks and ditches belonging thereto, to be repaired where need was, according to the judgement of honeſt and lawful men, of thoſe parts.

g Clauſ. 6 R. 2. p. 2. m. 27.

Other Commiſſions in this King's time were theſe; *viz.* in 7 *R.* 2. to [h] *Robert de Aſhton* Conſtable of **Dovor** Caſtle, *Robert Bealknap*, Sir *Edward Dalingrugge* Knight, *VVill. de Horne*, *Peter Rede*, and *VVill. Bateleſford*, for thoſe banks *&c.* in the Towns of **Idenne**, **Rye**, **Dymer**, **Brode**, **Farlegh**, **Pette**, **Wyncheſe**, **Icleſham**, **Geſtling** and **Weſtfield**.

h Par. 7 *R.* 2. p. 1. m. 26. in dorſo.

In 8 *R.* 2. to [i] Sir *Robert Bealknap*, Sir *Tho. Hungerford* Knights, *Roger Aſhbournham*, *Will. Batiſforth*, and *John atte Broke*, for thoſe betwixt the Town of **Bourne**, and the Towns of **Pelyngham** and **Birle**.

i Pat. 8 R. 2. p. 1. m. 39 in dorſo.

In 14 *R.* 2. to [k] Sir *Thomas Colepepir* Knight, *Will. Rikhill*, *Roger Aſhburnham*, *Stephan Betteſham*, and *John Edwards*, for thoſe betwixt the Town of **Kentbrygge** and **Newenden**, then much broken by the violence of the Sea: And to act therein according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romeneye** marſh.

k Pat. 14 R. 2. p. 1. m. 36. in dorſo.

In the ſame year, to [l] *Hugh de Sowches*, *John Falweſly*, *Will. Percy*, *VVill. Brincheſle* and others, for thoſe betwixt the Town of **Iſeld** and the main Sea; upon the River of **Lewes**, and Paſſage of **Pulberowe** and the main Sea; and upon the River of **Arundell** on both ſides of the banks; and to do all things therein according to the Law and Cuſtome of this Realm.

l Pat. 14 R. 2. p. 2. m. 26. in dorſo.

In 15 *R.* 2. to [m] the Abbot of **Begehame**, the Prior of **Michelhame**, *John Devereux* Conſtable of **Dovor** Caſtle, Sir *Will. Fienles* and Sir *Roger Newent* Knights, *Will. Bateleſford* and others, for thoſe upon the Sea-coaſt and Marſhes, in the Towns of **Peveneſeye**, **Ayleſham**, **Wrotlynge**, **Hoo**, **Herſt Monceaux**, **Mankeſheye**, **Wylyngdon**, **Weſthamme**, **Hoxlye**; and elſwhere, from the head of **Godyng** to **Clune** of **Bourne**. And ſo likewiſe, by another Commiſſion, [n] for thoſe within the Precincts of the Townſhips of **Aſhbournhamme** and **Bourne**.

m Par. 15 R. 2. p. 1. m. 37. in dorſo.

n Ibid.

In 17 *R.* 2. to [o] *Will. Rikhille*, *VVill. Brencheſle*, *Vincent Fynche*, *Robert Oxenbrigge* and *John Lynot*, for thoſe in **Farlegh**, **Pette-Geſtlyng**, **Brede Weſtfeld** & **Dymere**: and to act therein according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romene marſh**.

o Pat. 17 R. 2. p. 2. m. 37. in dorſo.

And in 20 *R.* 2. to [p] the Abbot of **Bataille**, Prior of **Haſtyngs**, *VVill. Brencheſle*, *Robert de Ore* and others, for thoſe betwixt **Haſtinges** and **Bulwerheche**; and to proceed therein as abovementioned.

p Pat. 20 R. 2. p. 1. m. 12. in dorſo.

The next year following, upon a Commiſſion [q] iſſued out to the Abbot of **Begeham**, Prior of **Michelham**, Sir *Wil. Fienles* Knight, *VVill. Makenad* and *John Broke*, touching the repair of the banks *&c.* betwixt **Aſhebournehamme** and **Bourne**; the Jurats (*inter alia*) preſented, that the bank, beginning at **Boxham bygge**, and going to the land of Sir *VVill. de Hoo* Knight, was in decay, through the default of the Abbot of **Begeham** and his partners. And from thence, the Bank leading to the land of *Stephan Plaſted*, through the neglect of Sir *Will. de Hoo* Knight. And from thence the banks reaching to the bounds of **Marcopſon** through the default of *Stephan Waller*, and *VValter Sumpter*. And the banks reaching from that place to the Land of *John Sweteblod*, in default of Sir *Philip Sencler* Knight: And thence the bank tending to the land of Sir *Philip Meſted* Knight, in default of the ſaid *John Sweteblod*: And thence the bank ſtretching to the land of Sir *Will. Fienles* Knight, in default of the ſaid Sir *Philip Meſted*. And thence the bank tending to the land of *Simon Lot*, in default of the ſaid Sir *VVilliam Fienles*. And thence the Bank tending to the old ſluce of **Peveneſe**, in default of the ſaid *Simon Lot*. All which perſons by reaſon of their Land-holdings within the ſaid Marſh, were obliged ſo to repair and maintain thoſe banks by parcells; their Anceſtors, and thoſe whoſe eſtates they had, having time out of mind

q Ex bund. de Brev. & Recordis, Wallias tangentibus, temp. R. 2. parte 2. n. 123.

ſo

so done: And that then, through such their neglect, many losses had befallen those parts.

And they also certified, that the Sewer beginning at the bounds of **Squabber**, and extending it self to **Gozebeggs**, and so to **Sakevylestrow**; and so to **Portham**; and thence to **Rikenebrigg**; and so to the old Sluce of **Pevenese**; and thence to **Wyllendonestrow**; and so to the Gutter made through the midst of a Hillock, by which the fresh waters descending to the Sea, from six thousand, three hundred fifty eight Acres, three Rodes and a half of Land, Meadow and Pasture, had wont to passe, and of antient time ought so to do; and from the said bounds of **Squabber**, to the said old Sluce of **Pevenese**, was then filled up and obstructed with grasse, reeds and other filth, for a long time suffered there to grow; and from the said old Sluse of **Pevenese**, to the said Gutter, in such sort, as that by the shallowness thereof the course of the water was much hindred, and obstructed, through the default and neglect of all the Tenants of the before-mentioned 6358 Acres; 3 Rodes and a half of Land, with the appurtenances, who according to their proportions were also obliged to those repairs.

That is to say, the Tenants of two hundred and nine Acres of land, Meadow and Pasture thereof, lying in the Marsh of **Pegeham**; two furlongs and seventeen perches of that Sewer; in length beginning at the said place of **Squabbar**, and so going on unto ..... And all those Tenants from the said place of **Gozebeggs**, to the place called **Sakevylestrow**, for the said Tenements, one moytie of the said Sewer towards the *North*. And all the other, holding an hundred fourscore and ten Acres of land, Meadow and Pasture, in the Marshes of **Pegeham** and **Whelpole**, the other moytie of the said Sewer, towards the *South*, containing in length sixteen furlongs. And the Tenants of three hundred and sixteen acres of land, Meadow and Pasture, in the Marshes of **Boghele**, **Balle** and **Herst-Monseux**, from the place called **Sakevylestrow**, to the place called **Ladytrowe**, seven furlongs of the said Sewer. And from the said place called **Ladytrowe**, all the said Tenants of the Lands and Tenements aforesaid in the Marshes of **Pegeham**, **Whelpole**, **Boghele**, **Ball**, and **Herst-Monseux**, for those their Tenements, seven furlongs of the said Sewer, unto the said place of **Portham**.

And from thence the Tenants of eight hundred ..... and four Acres in the Marshes of **Horsye** and **Downe**, for their Tenements, three furlongs and nine perches of the said Sewer, unto the said bounds of **Rikenebrigg**; and from that place to the old sluce of **Pevenese**, and thence to the place called **Wyllindonestrow**, the said Sewer to be repaired by all that hold the said lands in the Towns of **Worthing** ....., **Horsye**, **Wankelye**, **Haylesham**, **Westham**, and **Pevenese** in common; and that in the evacuation of the fresh waters by the said Sewer, if that Sewer should be enlarged, they should have benefit and full safeguard, without any contribution from the other Lands and Tenements, lying in the Towns of **Bourne**, **Langenete**, and **Willyndon**: which from that time, by the law of the marsh, ought not to contribute to their repair; forasmuch as those lands could not in any wise be preserved by the said Sewer.

And they farther certified, that there was another Sewer, beginning at a place called the **Hokes**, and extending to the **Clyne** of **Langene**; and so to the said place called **Wyllindonestrow**, by which the fresh waters, of the said Lands and Tenements in the Marshes of **Bourne**, **Langeneye**, and **Wyllingdon**, descending to the Sea, were voided away: Which said Sewer, the Tenants of those lands and Tenements in the Towns of **Bourne**, **Langeneye**, & **Willyndon** ought to repair and maintain, for evacuation of the fresh waters; and that they and their Ancestors did time out of mind so do: And that the said Sewer, in that place called **Willindonestrow**, unto the said Gutter, ought to be repaired by all the land-holders, except within the before-specified limits; so that the fresh waters being conjoyned by both the said Sewers, might passe to the said Gutter, and be thereby evacuated, which Gutter to be repaired at the common chardge.

And that from ..... unto the

house called Wyllindonestrow, and to the Sluce of Pevensey, it ought to be repaired at the chardge of all the said Land-holders in the Towns of Wortling, Otham, Hurst-*Monceux*, Hoxlie, Mankesie, Hayliesham, Westham and Peveneseу only: and that thence to the said Gutter, it would be necessary for the safeguard of the whole Marsh to enlarge the same Sewer in bredth two perches, and in depth three foot, at the chardge of all the Tenants of the whole Marsh, within the bounds and limits aforesaid.

And they presented moreover, that from the said place called Wyllendonestrow, by the side of the said old Sewer, on the East, it would be fit to have a a new Sewer made, in the common Marsh, in bredth three perches, and in depth xv foot, extending to the said Hillock; as also a new Gutter through the midst of that Hillock, in length xx perches, in bredth eight foot, and depth two foot and an half; and to enlarge the old Gutter unto sixty foot in length; the chardge of all which was then esteemed at CC libr.

And they farther certified, that if the said Sewers and Gutters should be so repaired, great profit and safeguard would accrue thereby; but if speedy remedy were not had, the losse in a very short time would be inestimable.

Whereupon command was given aswell to the Constable of Dover Castle, and VVarden of the Cinque Ports, or his Lieutenant, as to the Shireeve of Sussex, to summon the Abbot of Begeham and his participants; as also all and singular the land-holders in the Villages aforesaid, to appear before the said Justices, at Westham, upon *Monday* next after the Feast of the Purification of the blessed Virgin, to answer why &c. as also all the land-holders within the said marsh, that they should likewise then and there meet, to perform and do what should be directed by the King's VVrit so sent unto the said Lieutenant &c.

And the said Shireeve did make his return at that appointed day, before the said Justices; that he had given notice accordingly unto the Abbot of Begeham &c. as also to the land-holders in the said Marsh, to appear at Westham, upon the day before-specified. Divers others were then also summoned by the said Shireeve in like sort; some whereof appeared; but the Abbot of Begeham and many others came not: And those that appeared, answered, that neither they nor their Ancestors, whose estate they then had in those lands, with the other lands & tenements lying in the said towns of Wortlyng, Otham, Herst-*Monceux* &c. had used to repair, in common, the before-mentioned Sewer, from the place called Rikenebrig, unto the old Sluce of Pevenese; and that in case they had so repaired those Gutters and Sewers, they should have had no benefit by the evacuation of those fresh waters, as by the said Presentment was then supposed.

VVhereupon by virtue of another VVrit directed to the said Constable of Dover, a Jury was impanelled, and Sir *William Hoo* Knight, with divers others, being summoned, did appear in person; and did severally say (as to their Tenements lying in the said Town of Mankesye, without the liberty of the Cinque Ports) that there was a Sewer called Mankesey streme, beginning at a certain boundary called Herstbolt, and extending it self under Walleres Haven, unto the old Port of Coding; by which Sewer the fresh waters descending into those parts were evacuated: and that they and their Ancestors, whose estate they had in the beforespecified lands, did use time out of mind to repair the said Sewer, and had commodity and ample safeguard thereby; without that, that they and their Ancestors, and those whose estate they had in the Tenements aforesaid, did in common repair and maintain that Sewer, beginning at the boundary called Squabber, tending to Gozebreggs, and so to Sakeyplestrow, and so to Portham, thence to Rikenebrigs, and so to the old Sluce of Pevenese, time out of mind, with the rest of the Tenements in the said Town of Wortlyng, Eltham, Herst-*Monceux* &c. And without that, that by evacuation of the fresh waters by those Gutters and Sewers, though they should be so repaired and made, as by the Presentment was supposed, they should have benefit and safeguard: and this they were all ready to justifie &c.

And

And *William Grangiam*, the King's Attorney there at that time, ſaid; that the Sewer beginning at the boundary called **Squabber**, tending to **Goxeheggs**, and ſo to **Sakevylaſtrowe**, and thence to the old Sluce of **Pevenese**, had been uſually repaired in common by the Landholders in the ſaid Towns of **Wortlyng**, **Otham**, **Herſt**-*Monceux &c.* and that by ſuch evacuation of the freſh waters by thoſe repairs, they had commodity and ſafeguard, as in the ſaid Preſentment was alleged *&c.*.....

.....

In 3 *H.* 4. *Thomas Erpyngham* Conſtable of **Dover** Caſtle, the Prior of **Michelham**, *John Pelham*, *William Fenys*, *Will. Makenade*, and others, were conſtituted [r] Commiſſioners for the view and repair of the Banks in **Pevenſey** Marſh, betwixt **Birle** and **Bechiek**; and to perform all things therein according to the Cuſtome of that marſh, as of the marſh of **Romeneye**, and the Law and Cuſtome of this Realm.

[r] Par. 3 *H.* 4. p. 1. m. 26. in dorſo.

Whereupon * the ſaid Prior, *John Pelham*, and *william Makenade* went unto **Weſtham**, in the Pariſh of **Pevenſey**, upon Friday next before the Feaſt of *S. Gregory*, by the conſent of the Lords of the Towns, the Bayliff, and the *xii* Jurats (otherwiſe called *Skawers*) and of the Commons of the ſaid Marſh; and ordained theſe following Statutes for the due governance of the ſame marſh, and ſalvation thereof in the time to come.

* Ex ver. cod. MS. penès *Wil. le Neve* Clar. Regem Armorum. an. 1659.

1 Ordinances for Pevenſey Marſh.

Firſt, becauſe there was no certain Law of the ſaid Marſh ordained nor uſed before that time, but at the will of thoſe Lords who had Lands within the ſame; ſo that divers perils and hurts intolerable dayly grew: therefore, for eſchewing thereof, and for increaſing of the common profit, they ordained, and fully agreed; that a principal Court ſhould be yearly held in the ſaid Marſh, within xv *dayes of the Feaſt of S.* Michael *the Arch-Angel, whereat one Bayliff,* xij *Skawers, as alſo Collectors and Expenditors of the Scotts (or Aſſeſſments) ſhould be choſen by the Lords of the Towns of the ſaid Marſh, or by their Attorneys, for the ſafeguard thereof; which Bayliff to overſee the defects, and the* xij *Skawers to make Orders and Decrees, according to the Law and Cuſtome of Romney Marſh: and alſo, that every man, by lawful quantitie of his holding of common of Paſture and Fiſhing, within the bounds of the ſaid Marſh, ſhall contribute by equal portions to the reparation and maintenance of the Banks, Gutters, Sewers, Bridges, and all other neceſſary things within the ſaid Marſh, by the conſideration of the* xij *Skawers; and that all the reparations of the ſaid Banks, Watergangs, Gutters, and Sewers, be done as often as needeth; the coſts whereof to be made and raiſed in this form;* viz.

That every man that hath any land, ſubject to danger, be it neer or far off from the ſaid peril, ſo that the ſaid land may be ſaved, or the owners have profit by the Banks, Watergangs, Gutts, and Sewers before-mentioned, ſhall be contributory for their Lands and Tenements according to the proportion of their tenure; ſo that no man holding ſuch Lands and Tenements under the form aforeſaid, ſhall be ſpared in that part, be he rich or poor, of what ſtate, dignity, or condition ſoever, be he within Liberties or without: and in caſe any man be negligent in paying of his portion at a certain day ordained by the Skawers for repairing the ſaid Banks, Gutts, and watergangs; that then ſuch men ſhall be diſtrained of their Goods and Cattell, whereſoever they be found, within Liberties or without, within the Precinct of the ſaid Marſh, untill ſuch time as they ſhall have duly paid their ſaid proportions, with their Wanes; the which Wanes to be reſerved to the profit of the Bayliff. And that the ſaid diſtreſſes taken by the Bayliffs and the xij *Skawers, ſhall be kept for three dayes; and if the owner be obſtinate or negligent of his payment during that time; then that the ſaid diſtreſs be ſold and the mony reſerved for the ſafeguard of the ſaid Marſh againſt the violence of the Sea.* 2

And that the common Bayliff of the ſaid Marſh of **Pevenſey**, *who hath lands within the ſame, be choſen if it be profitable; but otherwiſe that another be elected, by the aſſent of the Lords of the Towns of the ſaid Marſh, or by their Attorneys, in ſitting and holding of the Courts and Laſts at* **Weſt ham**, *or at ſome other lawful place within the bounds of the ſaid Marſh, and within* xv *dayes of the Feaſt of S.* Michael *before-mentioned, yearly, upon the ſummons of the Bayliff, except the ſaid Bayliff, for ſome reaſonable cauſe happen to be changed within the ſaid year, and another be choſen in his ſtead.* 3

And if the ſaid Bayliff be preſent, at ſuch his 4

his election, and will not accept of that Office, that then he ſhall be amerced by the Electors in xl s. which the ſucceeding Bayliff ſhall levy of his Goods and Catalls to the comman profit of the ſaid Marſh, and ſo forthwith a new choyce of another Bayliff to be made, who ſhall accept of that Office and take his Oath, and have for his labour the Wanes that fall in his time of the Scotts ſo aſſeſſed and levyed. And if the ſaid Bayliff ſo choſen be hindred by any man, ſo that he dare not accept of that Offiee by reaſon of any threats; that then he which ſo threatneth him, or by any ſuggeſtion cauſeth him to decline that Office, ſhall be puniſhed by the Electors, in ſuch ſort as the Bayliff himſelf ſhould be, in caſe he refuſed the ſame Office.

5 And if the Bayliff be abſent at the time of his election, that then he be diſtrained by the Bayliff of the Marſh his Predeceſſor, by all his Goods and Catalls, the which ſhall be pounded in certain places ordained by the ſaid Electors, and there kept unto the time the ſaid Bayliff go to the Conſtable of the Caſtle of Pevenſey, the Abbot of Begham, or Prior of Michelham, or to one of them, and make his Oath accepting of his ſaid Office; whereupon he ſhall receive Letters of him who hath ſo taken his Oath, ſealed with his Seal, and directed to the Bayliff his Predeceſſor: And thus ſhall he do within ſix dayes after his election; and if he do not ſo, he ſhall then be puniſhed as aforeſaid, and forthwith a new choyce made.

6 And at this principal Laſt or Court, the common Collectors and Expenditors of all the general Scots before-mentioned, ſhall make their accompts before the Lords of the Marſh, or their Attorneys, if they be preſent, before the Bayliffs, xij Skawers, and the Commons of the ſaid Marſh, which Accompts to be written and indented betwixt them, the Bayliff, the xij Skawers and all the Commons of the ſaid Marſh; and ſo in like wiſe the Bayliff to make his accompts of ſuch things as pertain unto him to account for.

7 And if any of the ſaid xij Skawers make default at the ſaid Laſt, or principal Court, except they have a reaſonable excuſe, they ſhall be amerced in xij d. to the common work, to be levyed by the Bayliff. Likewiſe, if any of the Skawers dye, or be put out of his Office within the year upon any reaſonable cauſe, that then another be choſen and put in the principal Laſt or Court, by the Lords of the Fee, the Bayliff, the xij Skawers, and the wiſeſt eldeſt and moſt diſcreet men of the Commons of the ſaid Marſh. In like manner that election be made of the Collectors and Expenditors, ſo that they be not choſen of the before-ſpecified xij. if any other may be found able within the ſaid Marſh.

And if any of the ſaid xij Skawers, Collectors, or Expenditors be choſen, and will not make his Oath according to the ſaid Ordinance, that then he be amerced in xx s. to be levyed for the common work, as aforeſaid: and after that another be forthwith choſen and ſworn. 8

And moreover, if the xij Skawers be ſummoned to come to the common or principal Laſt or Court, and there appear not above the number of four, whereby the Decrees and Awards for ſafeguard of the ſaid Marſh cannot proceed for want of more; that then every perſon ſo abſent ſhall be amerced in ſix pence, by the Bayliff and Skawers then preſent; which money ſhall be levyed by the Bayliff, and be by him accounted for at the principal Court. 9

Likewiſe every man, ſingularly, of the ſaid xij Skawers ſhall ſwear, that he ſhall, with his fellows, make true Judgements and Awards, not ſparing rich or poor, neither of their Diſtreſſes, Banks, Landings, Watergangs, Sewers, Ditches, Gutts, Bridges, Nets, or other impediments within the bounds of the ſaid Marſh, but that the treſpaſſers be puniſhed: and alſo that they in their proper perſons be attendant on the Bayliff of the ſaid Marſh, to take diſtreſſes, and to impound them for three dayes; and after that to prize and ſell them, according to the Cuſtome of Romney marſh. 10

And the ſaid Collectors and Expenditors ſhall ſwear, that they ſhall truly cauſe to be levyed and Collected, as alſo expend and account for, all manner of Scottis, by the Lords of the Fee, Bayliff and xij Skawers, or of the greater part of them: and ſo in this manner to be made and kept in all In-ſtreams within the bounds of the ſaid marſh, before the Lords of the towns, of what In-ſtream ſoever it be, if they be preſent. 11

Alſo the ſaid Bayliff ſhall ſwear, that he ſhall do true execution of all manner of Judgments, Awards and Conſiderations, made and judged by the Skawers of the ſaid marſh. 12

And likewiſe the ſaid Bayliff, in proper perſon, as alſo all Collectors and Expenditors, aſwell of general Scottis, as of In-ſtreams, 13

ſtreams, ſhall ſwear and chardge them truly, to gather and expend the ſaid Scottis, and thereof yield a true accompt. And the ſaid Bayliff in his proper perſon ſhall overſee all Banks, Landings, Watergangs, Sewers, Guts, and Bridges as often as need is: And ſhall deliver to his ſucceſſor in that Office, all manner of Evidences, Records, Payments, and Exemplifications, which contain the Cuſtomes of the Marſh; with all the Court-Rolls, Judgements, Conſiderations and Awards of his time, made by the Skawers and judged; with all manner of Accompts of receipts and diſburſments.

14 *Furthermore, the Bayliffs Clerk ſhall have for his labour of the Commons of the ſaid Marſh,* vi s. -- viij d.

15 *Alſo it ſhall not be lawfull hereafter to any man to make Dams, Fords, ſet Nets, or any other impediments, in the Landings, Watergangs, Ditches or common ſtreams in the ſaid Marſh, whereby the right courſe of the water may be letted: and if the right courſe of the water be hindred by any man in ſuch manner as aforeſaid, and teſtimony given thereof by the Bayliff and ſix Skawers, or the Commoners of the In-ſtreams where the hurt was made; that the treſpaſſer ſhall be amerced forthwith, according to the proportion of his treſpaſſe, by the ſaid Bayliff and the* xij *Skawers; which Bayliff ſhall levy the ſaid Amerciaments to the common benefit as aforeſaid.*

16 *And if any other man than the ſaid Commons be damaged in like ſort, and teſtimony made thereof by the ſaid Bayliff and ſix Skawers; recompence of the ſame ſhall be given, and the harms amended to him that is ſo wronged, according to the diſcretion of the Bayliff and the Skawer.*

17 *Likewiſe every Scot aſſeſſed ſhall be proclamed in certain places; and dayes of payment aſſigned, where and in what place they ſhall be paid, ſo that thoſe that are aſſeſſed may have no excuſe, but that payment be duly made at the day prefixed.*

18 *Moreover, every acre of land, lying by the ſaid Walls and Watergangs, where Guts or Floudgates ought to be made, ſhall be bought for* xl s.

19 *No man ſhall take away from the common work, any Labourer or Workman, to his own private imployment, untill ſuch time as the ſaid common work be finiſhed: and if any man ſhall do contrary to theſe Ordinances, he ſhall be amerced in the common Laſt or Court, by the Bayliff and the Skawers, in* x s. *to be levied by the ſaid Bayliff, forthwith, to the common profit, as is before expreſſed.*

Alſo, that all manner of In-ſtreams, by whoſe Lands or Tenements ſoever they go, be kept in ſuch ſort that the water exceed not it's right courſe, to the damage of any man; upon penalty of the value of ſuch treſpaſſe, to be levyed by the ſaid Bayliff of the Marſh and ſix Skawers. 20

And if any man do make an aſſault, or reſcue againſt the ſaid Bayliff and the xij *Skawers, or againſt any of them, or their ſervants, for the taking of diſtreſſes, or for any other manner of Article appertaining to the execution of their Offices, for the common profit, according to the Ordinance before-ſpecified; that then the ſaid treſpaſſor ſhall be amerced by the Bayliff, and ſix or eight of the* xij *Skawers, in* xx s. *which ſhall be levyed by the ſaid Bayliff to the common work.* 21

Laſtly, it ſhall be lawfull to the ſaid Bayliff of the Marſh and the xij *Skawers, during their term, to diſtrain the treſpaſſers by their amerciaments, for all manner of Articles before rehearſed; and to keep the diſtreſſes three dayes, except the owner pay what is due within that term: And if he ſo do, that then it ſhall be lawfull for the Bayliff to ſell the ſaid diſtreſſes, and keep the money unto the common profit of the ſaid Marſh.* 22

In 4 *H.*4. the ſame *Thomas Erpyngham*, and Prior of **Michelham**, *will. Brencheſle*, and others, had the like Commiſſion [s] for thoſe Banks within the Precincts of **Bateſford**, **Aſheburnehammeſmylle**, and **Goddyngeſhavene**; and to act therein according to the Law and Cuſtome of this Realm. Before which Commiſſioners the Jury preſented [t] upon their Oaths, that the common Watercourſe, betwixt **Aſheburnehameſmyll** and **Bateſford**, to **Godyngeſhavene**, was ſo obſtructed, by ſand, mud, graſſe, and other filth, that three thouſand ſeven hundred eighty and three Acres of land were by this ſtoppage of the courſe of the freſh waters, drowned: & that it would be neceſſary & profitable for the ſafeguard & reſtoration of thoſe lands, that the common current from **Hoxeſpicheſwalle** to the **Mark dyke**, were newly cleanſed, which contained ſix furlongs, by eſtimation, and might be ſcoured for *xij* Marks. Which Chanel all the Landholders as well above **Boxham bregge**, as **Rokland**, **Hoxhale**, **Hoo**, **Ladyland**, **Cralle**,

[s] Par. 4 *H.* 4. p. 2. m. 27. in dorſo.

[t] Ex bund. de Brev. & Recordis, Walliæ &c. tangentibus, temp. *H.* 4. n. 13.

Cralle, and of the Land of *Christian atte Mersshe*, ought to make, clense, and scour.

And they also said, that the current from Markdyke, to Pevenese bridge, contained in length *xiij* furlongs, which being then likewise filled with mud and sand, by the ebbing and flowing of the tides, might be clensed and scoured, according to their estimation, for *xl*l. And that there was need of a new Sluse at the said Pevenese bridge, in length *xx* foot, in bredth *xiiij*, and in height four foot; which might be made for *x* l. by estimation: to the scouring of which Chanel and making the Sluce, all the Land-holders, above Bozham hegge, in Brodewysche and Combroke, ought to make full contribution: and the Land-holders above Tonleghehegge to Condennelhegge, half contribution, according to the proportion of their lands. And likewise, all the Land-holders, on the South side of Mozespicheswalle, half contribution, according to the quantity of their said lands: And that all the Land-holders in the marsh of Mankelye, Bestenovere, Marchalls, Bakers, and Wykham, to contribute for the purposes aboveslaid, a fourth part, for this present occasion; but not to be claimed as a due, in time to come. And they farther said, that it would be necessary and profitable for all the Land-holders aforesaid, and for the security of Pevense Haven, that all the Banks on the other side, upon the Saltes, from Mozespicheswalle to the Sea, should be broken and taken away, without any impediment of the Tenants of those Banks.

And they said moreover, that if the said Port of Pevenese, had not been stopt up with mud and sand by the ebbing and flowing of the Tides, so that the fresh water, from the said Sluse could not have it's course; then would it have been needfull, that the said Sluce should be pulled up, and set down anew, at Wyldemerthe, betwixt the Sluce of Hoo, and the Sluce of Mankelye; and that a new Sewer should be made from the said Sluce so placed anew, through the midst of the Lands of *John Aske*, unto the Koky of Mankelye; allowing for the Land of the said *John Aske*, according to the Law & Custome of Romene marsh.

Also they said, that it would be necessary and beneficial for the Abbot and Covent of Begham, for his lands at Roklond, that they and their successors have one little Sewer, with a bolt, fastned, under the common Water-course into the Brook of Hoo, for evacuation of the dead water, arising from rain and springs in the said grounds of Roklond, and this to be made at their own proper chardges. And the said Abbot and his successors, to maintain the said VVater-course, from that bolt called Mozespicheswalle, at their own proper chardges. And if the said current, through the increase of the water, should go out of it's course, by the neglect of the said Abbot or his successors, that then it might be lawful for the Tenants of Hoo to shut up the said bolt, untill he the said Abbot and his successors did make full satisfaction to the said Tenants of Hoo, for their losses therby occasioned.

And the said Jurors did likewise affirm, that it would be necessary to have one Bayliff, one Collector, one Expenditor, and other * Skawers of the most sufficient land-holders, who might have power to do all things therein, according to the Law and Custome of Romene marsh; and to make new Ordinances of Pevense marsh, and to return them into the Chancery, to be exemplified with the said Kings great Seal: so that if the said Sewers or Floudgates should be so repaired, they might have benefit and full safety thereby. And that in case a proper remedy were not the sooner had therein, an inestimable losse would be like to happen, within a very short time.

* Id est Jurats.

VVhereupon there was a Precept issued out, both to the Constable of Dover Castle, or his Lieutenant, and to the Shireeve of Sussex; that both of them should give warning to all and every the land-holders of the Tenements within those Towns, to appear before the said Commissioners, at Marchalleswalle, neer the..... of Pevense upon the Thursday being the Eve of *S. Margaret* the Virgin, then next ensuing, to shew what they could say for themselves, why they ought not to be chardged with the performance of those repairs, according to the proportion of their holding, and form of the said Inquisition; and to do and

and undergo what the Kings Court ſhould further appoint in that behalf.

And accordingly *John Colbrond* was elected to the Office of Bayliff, and ſworn to act according to the Cuſtome of the Marſh; And *Richard Palmere* to the Office of Collector and Expenditor, and ſworn as aforeſaid: And *Thomas Colbrond*, *William Bulke*, and others, to the Office of Skawers, and ſworn likewiſe to undergo that Office according to the Law and Cuſtome of the ſaid Marſh.

At which day, the ſaid Lieutenant to the Conſtable of **Dover** Caſtle, made his return to the before-ſpecified Prior of **Michelham**, and his Fellow Juſtices, that he did ſummon *John Aſke*, *Robert Redyng*, with divers others, to appear before them: and likewiſe the Abbot of **Begham**. But the ſaid *John Aſke*, and many others, appeared not. But *John Wodelond*, and ſome others who did appear, were ready to contribute to thoſe repairs *&c.*

In 8 *H.* 4. Sir *John Dalingrugge* Knight, *George Ballard*, *Stephan Bettenhamme*, *Will. Snayth*, *Henry Horne*, and others, were conſtituted [u] Commiſſioners for the view and repair of the Banks upon the Sea-coaſt, from a certain place called **Blakwoſe**, in **Kent**, unto **Rye**, in this County, and the coaſts of the water, called **Apoldreſlete**, from the Sea to **Bodihamme**, on both ſides the ſaid water; which at that time were much broken with the Tides: And to perform all things therein, according to the Law and Cuſtome of **England**, and the Cuſtome of **Romeney** Marſh.

[u] Pat. 8 *H.* 4. p. 2. m. 5. in dorſo.

And the next year following, the ſame Sir *John Dalingregge*, Sir *John Pelham* Knight, *Robert Oxenbrigge*, *John Hall* the elder, and *John Hall* the younger, had the like Commiſſion [w] for the Banks upon the Sea-coaſt betwixt **Haſtynges** and **Borle**, within the Pariſhes and Towns of **Wyltyng**, **Holyngton**, **Borle**, **Crowherſt**, **Haſtynges** and **Bulwerhythe**; and to tranſact all things therein according to the Law and Cuſtome of this Realm.

[w] Par. 9 *H.* 4. p. 2. m. 21. in dorſo.

In 2 *H.* 5. upon an Inquiſition taken before *Thomas Erpyngham* Conſtable of **Dover** Caſtle, *Will. Brencheſle*, *Robert Oxenbrigge* and others, for the view and repair of the Banks betwixt **Farleghe** in this County, and **Apuldre** in **Kent**; the Jurors preſented * upon their Oaths, that there was a certain ſmall Marſh, neer unto the Town of **Rye**, within the liberty of the Cinque Ports, called *S. Mary Croft*, containing by eſtimation *xlviij* acres of land, which could not be well defended againſt the force of the Tides, except an old Gutter therein were ſtopt up. And they ſaid, that it would be neceſſary and profitable for the preſervation and clearing of the ſaid Marſh, that there were a new Gutter and Sewer made, beyond the bank of the ſaid marſh, and the land of *John Chitecroſte*, in a certain Marſh, called **Corbopleſmarſhe**, containing ..... about a quarter of an acre of land; and ſo to paſſe into the Water-courſe coming from **Leveſhameſwall**, unto the Sluce at **Welſit**. All which ſaid work, *viz.* the ſtopping up of the old Gutter, and making of the new Sewer and Gutter, might be performed, as they eſtimated it, for *xij* [l].

* Eſtbund. de Brev. & Recordis, Waltis &c. tangentibus, temp. H. 5. n. 17.

And they farther ſaid, that the Land-holders of the ſaid Marſh called *S. Marie Croft*, ſhould pay to the ſaid *John Chitecroft*, for the ſaid land, according to the Cuſtome of **Romeney** marſh, for every Acre *xl* [s]. And they likewiſe ſaid, that the ſaid Land-holders ſhould be lyable to make contribution, for their portions, towards the diverting of the Watercourſe in **Curbopleſmarſhe**, for the maintenance of the Sluce there; and the Bank beyond the ſaid Sluce, not taxed; as alſo to the making of the new Sewer in **Curbopleſmarſh**, when occaſion ſhould be; *viz.* for every Acre of theirs, as the Land-holders of **Curbopleſmarſh** for theirs: which water ſo diverted, was not to the hurt or damage of the ſaid Marſh, called **Curbopleſmarſhe**: And therefore the Maior and Bayliff of **Rye** had command, that they ſhould ſummon the ſaid *John Chytecroft*, to appear before the Lieutenant to the Conſtable of **Dover** Caſtle, at **Rye**, upon the *Wedneſday* next before the Feaſt of the *Nativity* of the bleſſed Virgin, to ſhew *&c.* As alſo the land-holders of the ſaid Marſh, called S. *Mary Croft*. Who ſeverally ſaid, that they could not gainſay, but that they were obliged to make contribution according to the Inquiſition aforeſaid: And likewiſe the ſaid *John Chitecroft*

Chitecroſte, who ſaid nothing thereto. Therefore it was decreed, that the ſaid new Gutter and Sewer beyond the ſaid Bank, and over the land of the ſaid *John Chitecroſte*, ſhould be made, according to the purport of the ſaid Inquiſition; and that the ſaid *John Chitecroſt* ſhould have for his ſaid land, according to the Cuſtome of **Romeney** marſh, *x*ˢ,

☞ In 3 *H.* 5. Sir *John Pelham* Knight, *Richard Wakeherſt*, *Robert Oxenbrigge*, *Vincent Fynche*, *Adam Iwode*, and *Will. Marchaunt* were conſtituted [x] Commiſſioners for to view and repair the banks *&c.* betwixt the Towns of **Peſemerſh**, **Rye**, **Farlegh**, and **Pette**: and to do all things therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm. So alſo in 9 *H.* 5. had [y] *Robert Oxenbrigge*, *Henry Hoorne*, *John Halle* junior, *Will. Cheyne* and *Adam Iwode*, for thoſe betwixt **Aſhewalle**, and the courſe of the Sea-water, running from the town of **Rye** to **Appuldre** and **Bodyam**, in the Towns of **Wytreſham** and **Stone**, in **Kent**; and to **Iwenne**, **Peſemerſhe**, and **Bekkele**, in this County; and to do all things therein according to the Cuſtome of **Rumney** Marſh, and the Law and Cuſtome of **England**.

The like Commiſſion, the ſame year, had [z] *Robert* Lord *Poynings*, *Thomas* Prior of **Lewes**, *John Preſton*, Sir *John Pelham* Knight, *John Darell*, and others, for thoſe betwixt **Flecchyng** and **Seford**, on the Sea-coaſt: and to perform all things therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm. So alſo, the ſame year, had [a] Sir *John Pelham* Knight, the Prior of **Michelham**, *Robert Oxenbrigge*, *Adam Iworde*, *John Nelonde* and *John Halle*, for thoſe betwixt **Haſtyngs** and **Borele**, in the Towns of S. *Leonard*, **Holyngtone**, **Wyltynge**, **Berele**, **Croweherſt**, and **Bulwerhithe**; and to proceed therein as aboveſaid. The like had [b] *will. Weſtbury*, *Robert Oxenbrigge*, *John Hall*, *Richard Wakehurſt*, and others, for thoſe betwixt the Pariſh of **Berghſtede**, on the weſt part, and the pariſh of **Felgham** on the Eaſt; and from thoſe Pariſhes, to **Weſtregate**: and to do all things therein, as aboveſaid.

So alſo in 1 *H.* 6. had [c] Sir *John Pelham* Knight, the Prior of **Michelham**, *Robert Oxenbrigge*, and others, for thoſe Banks betwixt **Haſtyngs** and **Berele**, as aboveſaid. And the like had *Robert* Lord *Ponynges*, *Thomas* Prior of **Lewes**, *John Preſton*, Sir *John Pelham* Knight, and others, for thoſe betwixt **Flecchyng** and **Seford**; and to proceed therein as aboveſaid.

But in ſuch ſort did the ſaid Sir *John Pelham* and his Fellow Commiſſioners proceed therein; that, in 6 *H.* 6. upon information [d] made to the King, that they had, by colour of that Commiſſion, raiſed certain new Banks, which did ſo obſtruct and hinder the antient courſe of of thoſe freſh waters, that had uſed to run, betwixt the ſaid towns of **Haſtyngs** and **Borle**, by certain Sewers and Trenches to the Sea, that much land was thereby drowned; the ſaid King aſſigned [e] the Abbot of **Batalle**, the ſaid Sir *John Pelham* Knight, Sir *Roger Fenys* Knight, *Adam Iwode*, *John Corſſe* and others, to view the ſame, and to take ſuch courſe for the rectifying thereof, as ſhould be conſonant to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

In 10 *H.* 6. *Humfrey* Duke of **Glouceſter**, Sir *Thomas Echyngham* Knight, *John Halle*, *will. Fynche*, and others, were appointed [f] to view and repair the Banks betwixt **Farlegh** in this County, and **Derlawes Knokke** in **Kent**; and to make Laws and Ordinances therein according to the Cuſtome of **Romeney** Marſh: As alſo to impreſt ſo many Labourers, upon competent wages, as there ſhould be cauſe for to imploy in that work; conſidering the great neceſſity of expedition therein. The like appointment [g] in 12 *H.* 6. had *John* Earl of **Huntendon**, *Robert* Prior of **Lewes**, Sir *Robert Poynings*, Sir *Thomas Echyngham*, Sir *Thomas Leukenore* Knights, *John Darell*, *Richard Wakehurſt*, and others, for the Banks betwixt **Flecchynge** and **Seford**, upon the Sea-coaſt; and to proceed as aboveſaid; as alſo to impreſt ſuch and ſo many Labourers, upon fitting wages *&c.* as aboveſaid. So alſo in 21 *H* 6. had [h] *Edmund Mille*, *will. Sidney*, *John Lelye*, *John Wode*, *Richard Dalingrugge* Eſquire, and *Will. Breys* for thoſe betwixt the Pariſh of **Berghſtede** on the VVeſt part, and the Pariſh of **Folgham** on the Eaſt; and from thoſe pariſhes extending

x Pat. 3 *H.* 5. p. 1. m. 17. in dorſo.

y Pat. 9 *H.* 5. p. 1. m. 13. in dorſo.

z Pat. 9 *H.* 5. p. 1. m. 13. in dorſo.

a Ibid.

b Ibid.

c Pat. 1 *H.* 6. p. 1. m. 30. in dorſo.

d Pat. 6 *H.* 5. p. 1. m. 6. in dorſo.

e Pat. 6 *H.* 5. p. 1. m. 6. in dorſo.

f Pat. 10 *H.* 6. p. 1. m. 11. in dorſo.

g Pat. 12 *H.* 6. p. 1. m. 24. in dorſo.

h Pat. 21 *H.* 6. p. 1. m. 3. in dorſo.

extending to **Weſtgate**: And to do all things therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

The next year following, had Sir *Roger Fenys* Knight, *Richard Dalyngrugge* Eſquire, *John Faukes* Clerk, *John Denyſh* Eſquire, *Edmund Mille*, and *Adam Iwode* the like Commiſſion [i] for thoſe banks *&c.* betwixt **Haſtyngs** and **Berele**, within the Towns of *S. Leonard*; **Holyngtone, Millynge, Berele, Croweherſt**, and **Bulwerhithe**; and to proceed therein as the laſt Commiſſion directed.

[i] Pat. 22 H. 6. p. 1. m. 17. in dorſo.

In 33 *H. 6. Richard* Abbot of **Bataille**, *Will. Weſtbury*, Provoſt of **Eton** College neer **Windſore**, *John Faukes* Clerk, *Thomas Hoo* Eſquire, and *Bartholmew Bolney* were aſſigned [k] to view and repair the banks *&c.* within the Precincts of **Bateſford Aſhburnehammesmille**, & **Godyngeshaven**; & from **Pevenele** bridge, to **Newecteclewes** of **Walterſhaven**; and from **Newecteclewes**, by the Sea, to the point of **Godyngeshaven**; and from the point of **Godyngeshavene** to **Romeſtrete**; and from **Romeſtrete** to **Bellamſgutte**; and from **Bellamſgutte** to **Denſergote**; and from **Denſergote** to **Pykeledbrigge**; and from **Pykeledbrigge** to **Swynetham brigge**: and to act therein according to the Law and Cuſtome of **Romeney** marſh.

[k] Pat. 33 H. 6. p. 1. m. 17. in dorſo.

Several other Commiſſions there were, in this King's time and afterwards; in all which the Commiſſioners were directed to proceed according to the Law and Cuſtome of **Romeney** marſh; *viz.* in 34 *H. 6.* to [l] Sir *Richard Fenys* Knight, *Thomas Echyngham*, *Richard Dalyngregge*, and *John Paſſele* Eſquires, *Bartholmew Bolney* and *Martin Oxenbrigge*, for the Banks betwixt **Sedleſcombebrygge**, in the Pariſh of **Sedleſcombe**, on the VVeſt part, to **Snaylham**; and the place called the **Pyke**, in the Pariſhes of **Bxede** and **Geſtlyng**, on the Eaſt part, on both ſides the common Watercourſe, betwixt the ſaid Town of **Sedlyſcombe** and **Wynchelſe**.

[l] Pat. 34 H. 6. parte unica m. 23. in dorſo.

In 36 *H. 6.* to [m] Sir *Richard Fenys* Knight, Sir *Roger Leukenore* Knight, *Nicholas Huſe*, *Thomas Hoo*, *Barth. Bolney*, and others, for thoſe from **Colewoxthe** to **Fleghambrigge**, and thence to the Sea.

[m] Pat. 36 H. 6. p. 2. m. 4. in dorſo.

In 37 *H. 6.* to [n] Sir *John Pelham* Knight, *Thomas Echyngham*, *Henry Hall*, *Robert Oxenbrigge*, and *John Copeldyke* Eſquires, *Bartholmew Bolney* and *Martin Oxenbrigge*, for thoſe betwixt a place called **Fodyt**, and the Town of **Wynchelſe**.

[n] Pat. 37 H. 6. p. 1. m. 19. in dorſo.

In 3 *E.* 4. to [o] Sir *Roger Leukenore* Knight, *Will. Sydney*, *John Ernely*, *Thomas Tawcke*, *Humfrey Heweſter*, and *John Goryng*, for thoſe Banks from **Colewoxthe** to the Sea.

[o] Par. 3 E. 4. m. 8. in dorſo.

In 5 *E.* 4. to [p] Sir *Thomas Echyngham* Knight, *Barth. Bolney*, *Henry Halle*, *Rob. Oxenbrigge* and *Will. Baker* for thoſe from **Pham**, in the Pariſh of *S. Leonards*; and from **Pham** to the Lands called **Cregge**, and the Lands of *John Fynche*.

[p] Par. 5 E. 4. p. 1. m. 23. in dorſo.

In 6 *E.* 4. to [q] Sir *Roger Leukenore* Knight, *Nich. Huſe* Eſquire, *John Fuyſt*, *John Goryng*, *Will. Ernele*, and others, from the water of **Colewoxth** to the Sea. And in 14 *E.* 4. to [r] Sir *John Fogge*, Sir *John Scotte*, Sir *Will. Haute*, and Sir *John Gilford* Knights, *John Elryngton*, *John Bruaſton*, *Henry Auger*, *Will. Belknap*, and *Robert Oxenbrigge* Eſquires; *Barth. Bolney* and others, for thoſe betwixt **Roberts brigge**, in this County, and the Town of **Romeney** in **Kent**.

[q] Par. 6 E. 1. p. 1. m. 15. in dorſo.

[r] Par. 14 E. 4. p. 1. m. 20. in dorſo.

In 17 *E.* 4. upon an Inquiſition [s] taken at a place called **Dencourt's marſhe**, the *Friday* next after the Feaſt of the Nativity of *S. John Baptiſt* xvij E. 4. before Sir *Thomas Echyngham* Knight, *Henry Aucher*, *Gervaſe Horne*, *Robert Oxenbrigge*, *Will. Belknap*, *Henry Belknap*, *John Bradford*, *John Copeldyke*, *John Wody*, and *Thomas Oxenbrigge*, Commiſſioners to view and repair the Banks, betwixt the River of **Apildoure**, to **Rye**, on the Weſt part; and thence to the Wall, called **Freſh walle**, on the Eaſt part; and the Wall of the Monks of *Chriſts-Church* in **Canterbury**, called **Newe Walle**, as far as the lands belonging to the Abby of *S. Auguſtines* did reach; on the South part: the Jurors did, then and there, preſent upon their Oaths, that it would be very neceſſary and profitable, for the ſafeguard, amendment and clearing of the ſaid Marſh, and prevention of drowning to that part of the Country adjoyning thereto, that there were a new Bank made from the ſaid VVall, called **Newe Walle**, by the Chanel leading from

[s] Eſc. 17 E. 4. n. 70.

Apyldore to Rye, and to the ſaid water, called Moreflete; and thence to the ſaid place called Freſhe-walle, as far as the lands then belonging to the Abby of S. *Auguſtines* did extend. And that the ſaid Bank ſhould be in length from the ſaid VVall, called New Walle, unto Moreflete aforeſaid; and thence to the ſaid place, called Freſh Wall, upon the flat Marſh, *MCCiiij*^{xx}. Rods and an half; and in Crekes and Flets *Lxix* Rods. And they ſay, that every Rod of the ſaid Bank, upon the plain Marſh, might be made for two ſhillings and four pence; and every Rod in the Crekes, for *xi*^{s}.

And they farther ſaid, that within the ſame Marſh, by the making of that Bank, there might be ſaved from the overflowing of the Tides, *MCCCCxij* Acres of good Marſh; of which number *Miiij*^{xx}. and two Acres were in Kent, and *CCGxxx*. Acres in this County: and that all the ſaid Acres, in both Counties, did lye together, and contigious to the bounds of thoſe Counties, and adjacent to the ſaid Marſh; and that no one Acre could be conveniently taxed to the making of the ſaid Bank, without the other; the aſſeſſment of them having been ſo, time out of mind: whereof were Tenants, the Abbot of S. *Auguſtines* in Canterbury, the Prior of *Chriſts-Church* in Canterbury, Sir *John Elryngton*, and Sir *John Scott* Knights, *John Engham*, *Thomas Fan*; the heirs of *Iames Marſhall*; the heirs of *Robert Marſhall*; the VVidow of *Stephan Dene*; the heirs of *Thomas Thurder*, and *Robert Fermor*. Of which, the Abbot of S. *Auguſtines* aforeſaid, was ſeized, in the right of his Church, in his demeſne as of Fee, in the ſaid Marſh, in Kent, of *CCij*. Acres; the Prior of *Chriſts-Church*, of *Ciiij*^{xx}. and *xvi* Acres. Sir *Iohn Elryngtone* Knight, of *Dxxxiij* Acres; whereof *CCLvi* Acres in this County of Suſſex. Sir *Iohn Scott* Knight, of *Lxxiiij* Acres, in this County; whereof *VValter Roberd* claimed a part, but how much, the Jurors knew not. *Iohn Engham* of *Lix* Acres and one Rode, of that part which lyeth in Kent: *Thomas Fan* of *xix* Acres and an half of the like: The heirs of *Iames Marſhall*, of half an Acre and a Rode: The heirs of *Robert Marſhall* of *viij* Acres and a Rode: The VVidow of *Stephan Deine* of two Acres and a Rode: The heirs of *Thomas Thunder* of *xxiiij* Acres; and *Robert Fermour* of *xxxvi* Acres; all lying in Kent.

And moreover the ſaid Jurors affirmed, that it was both reaſonable and juſt, that all the ſaid Tenants ſhould make contribution, every man according to what he held in the ſaid Marſh, for the making and maintenance of thoſe Banks.

And the ſaid Commiſſioners, by the conſent of the ſaid Jurors, Bayliffs of Franchiſes, and all others who were concerned in the making of the ſaid Banks, and repair of them, ordained, decreed, and aſſeſſed upon every acre of land within the ſaid Marſh a tax of nine ſhillings, to be paid at the Feaſt of *S. Peter ad vincula*, and at the *Nativity* of our Lord then next following, by equal portions.

And they farther ſaid, that it would be moſt neceſſary and profitable for the preſervation and good Government of the ſaid Marſh, that there ſhould be choſen one Bayliff and one Collector, and other Skawers * of the principal Landholders there, who ſhould have power in all things to be done therein, according to the Law and Cuſtome of Romeney marſh.

* Id eſt Jurats.

VVhereupon the ſaid Commiſſioners, by the aſſent aforeſaid, made choice of Sir *Iohn Elryngton* Knight, to be Bayliff and Guardian of the ſaid Marſh: who was accordingly ſworn for the performing of that Office faithfully, according to the Law and Cuſtome of this Realm, and the Cuſtome of Romeney Marſh aforeſaid. Alſo *Iohn Engham*, the heirs of *Thomas Thunder*, *Robert Thunder*, *Thomas Fan*; the heirs of *Iames Marchall*, the heirs of *Robert Marchall*, and the heirs of *Stephan Deine*, being likewiſe elected, were ſworn to execute that Office of Skawer, faithfully within the ſaid Marſh, according to the Law and Cuſtome aforeſaid: The Shireeve of Kent therefore had command that he ſhould give ſeveral ſummons to the ſaid Abbot of *S. Auguſtines*, Prior of *Chriſts-Church*, Sir *Iohn Elryngton* Knight, and the reſt, who held lands within that part of the ſaid Marſh, within the County of Kent, that they ſhould appear at the ſaid Marſh, upon *Monday* next after the Feaſt of the *Tranſlation* of *S. Thomas* the Martyr, then next enſuing, to ſhew why each of them ought not to contribute to the ſaid work, for what he held, according

ding to the proportion thereof, in such sort as he was assessed.

And in like manner had the Shireeve of **Sussex** command, that he should summon Sir *John Elryngton* Knight, and the rest, who held that part of the said Marsh, in this County of **Sussex**.

And the said Abbot, and all the other Land-holders, though they were severally so summoned, did not appear, but made default. But the said Sir *John Elryngton*, and others of this County, did appear, and were ready, every one of them to contribute, according to the proportion of what he held within the said Marsh, according to the tenor of the Inquisition and Tax aforesaid. And therefore it was ordained by the said Commissioners, that aswell the said Sir *John Elryngton*, and the other land-holders, who then appeared with him; as the said Abbot of S. *Augustines*, and all those other, who did not appear, should every one contribute, according to the proportion of what he held, to the making and maintenance of the said wall, in manner and form as in the said Presentment was contained; and should observe and keep the Laws and Customes specified in the said Presentment. And because before that time, there was no certain Law of that Marsh constituted nor used; and that the said Marsh being drowned, lay to the Sea; therefore the said Commissioners, by virtue of their Commission, by the assent of the Bayliffs, Jurats, and Commonality of the said Marsh, did ordain, that for the future, the Bayliff for the time being, should have one principal *Last*, in the said Marsh, yearly, at the least, within the Octaves of S. *Michael* the Arch-Angel, in such place where he the said Bayliff should think most expedient.

And at a *Last*[t] holden at **West Ham** the third day of *October*, in the *xxiiij*th year of the reign of King *Henry* the eighth, before *John* Prior of **Lewes**, *Rich.* Abbot of **Begham**, *Iohn* Prior of **Michelham**, *Thomas* Lord *Dacre*, and others, by virtue of the Kings Commission to them directed; it was decreed and ordained; That no manner of person or persons, should thenceforth set any Nets, Pots, or Engins; or make any Damms, or other impediments, in Landings, Watergangs, Ditches or common streams; or any Insews, or setting or fishing before any Gut or Guts within the bounds of **Pevensey** Marsh, upon penalty of forfeiting to the use and profit of the said Marsh, such Net or Nets, Pots, or Engins, as they or any of them shall so set, and likewise ten shillings when and as often as any of them shall so offend: the said Net or Nets, Pots or Engins, to be seized on by any person or persons to the use aforesaid; which person or persons so seizing them, to have the one half of the same to his own use: but the forfeiture of the said ten shillings to be so levyed by the Bayliff for the time being, to be to the behoof of the whole marsh: Provided nevertheless, that every owner of land within the said Marsh, have full and lawful power to fish within his grounds, so it be not prejudicial or hurtful to the said Marsh.

[t] Ex vet. cod. MS. penes *Will. le Neve* Clar. Regem Armorum an. 1640.

CAP.

CAP. XX.

FRom **Suſſex**, I come next to **Somerſetſhire**. That the overflowings both of the Sea, and freſh Rivers, in ſome parts of this County, were heretofore likewiſe exceeding great, I need not ſeek far for teſtimony; the rich and ſpacious Marſhes, below **Wells** and **Glaſtonbury** (ſince, by much induſtry, drayned and reduced to profit) ſufficiently manifeſting no leſſe. For, conſidering the flatneſſe of thoſe parts, at leaſt twelve miles Eaſtward from the Sea, which gave way to the Tides to flow up very high; as alſo, that the ſilt and ſand, thereby continually brought up, did not a little obſtruct the out-falls of thoſe freſh waters, which deſcend from **Bruton**, **Shepton-Malet**, and ſeveral other places of this Shire, all that great level, about **Glaſtonbury** and below it (now for the moſt part called **Brentmarſhe**) was in time paſt, no other than a very Fen; and that place, being naturally higher than the reſt, accounted an Iſland, by reaſon of it's ſituation in the boſome of ſuch vaſt waters. *Hæc itaq; Inſula* (ſaith *Will.* * of **Malmeſbury** ſpeaking of it, then known by the name of the Iſle of **Avalon**) *primò à* Britonibus *dicta eſt* **Ynwytrin** &c. *Inſula verò dicta eſt, quoniam mariſco profundo eſt undiq; Clauſa. This Iſland was firſt called by the* Britons **Ynſwytrin** &c. *and termed an Iſland, becauſe it was incloſed, on every ſide, with a deep Marſh or Fen*, as doubtleſſe it would be, were it not for that famous and coſtly Sluſe, at **Highbridge**, whereby the Tides, that there uſually riſe no leſſe than *xx* foot in full height, are not only kept back; but the freſh waters evacuated with ſuch a force, as, grinding out the ſilt, which would otherwiſe choak up that Oſtiarie, the obſtruction of their current, and conſequently the overflowing of that large plain, Eaſtwards, is happily prevented.

* Monaſt. Anglic. p. 2, col. 1.

Let me alſo add hereunto what the learned *Leland* † (in his Itinerarie, made *temp. H.* 8.) obſerveth; *viz. that neer* **Coſcumbe** (betwixt **Shipton Malet** and **Welles**) *there was antiently a Caſtle on a Hill, called* **Fenne Caſtle**, the ruines whereof he ſaw: And as to the Banking and Drayning in theſe parts; that a mile above **Hartlake bridge**, he took notice of an arm caſt out by force, out of **Sowey** River, and a Marſh wall made by induſtry, betwixt it and the principal ſtream of **Sowey**: which wall continued to **Hartlake bridge** and a mile lower; and then both (ſoon after) ran into the meer. And moreover affirmeth, that if the ſaid Marſh wall ſhould not be kept up, and the Chanel on each part of **Sowey** preſerved from weeds, all the plain ground, at ſuddain Rains, would be overflown, and the profits thereof loſt.

† *Lel.* Itin. MS. in bibl. *Bodl.* vol. 2. f. 42. a.

And, by the Charter † of *Eddi* Biſhop of ..... made to the Abby of **Glaſtonbury** in the year of Chriſt *DCLxxx.* it appeareth that **Ferramere** was then an Iſland, invironed with the Fens.

† Ex Regiſtro de *Glaſton.* penès *Rad. Shelldon* de **Beoley** Arm. f. 149. b.

But concerning theſe and the other Marſhes of this County, the firſt Commiſſion [a] of Sewers, wherewith I have met in our publick Records, is in 32 *E.* 1. which was directed to *Robert de Clare*, *Gilbert de Bere*, and Maſter *Gereberd*, who were thereby aſſigned to view and take order for the repair of the Banks, Ditches, Gutters, and Sewers in **Brentmerſhe**, **Pederham**, **Wringemerſhe**, and **Saltmerſhe**; and to cleanſe the Gutters & Chanels in ſuch ſort, as that the ſtreams as well of the freſh water as ſalt, might have thenceforth their right and antient courſe in all thoſe places.

[a] Pat. 32 *E.* 1. m. 2. in dorſo.

In 2 *E.* 2. *Matthew de Furneaus* and *Will.*

de

de Burne, were constituted [b] Commissioners in like sort, for all the Banks &c. in general, both upon the Sea-coasts and elsewhere in this County. The like [c] Commission, in 4 E. 2. had *John Randolf*, *John* the Son of *Tho. de Beauchamp* & *Will. de Burn*. So also in 9 E. 2. had [d] *John de Meryet*, *Richard de Rodeneye*, and *John de Clivedone*. In which year likewise *John Randolf*, *Will. de Harden*, *John de Westcote*, and *Richard de Rodney* were appointed [e] to enquire of the breach of the Banks and Ditches of *John de Goddeleigh*, Dean of **Wells**, in the lands belonging to his Deanery, at **Werk** in this County, which very antiently, in the time of his Predecessors, had been raised for the preservation of the lands of the same Deanery, **Wodeste**, **Wodmore**, and **Bydesham**, against the power of the fresh waters, which descended by a certain Chanel, in the said Town of **Werk**, towards the Sea. And also of certain Sluces of the said Dean, in his said Town of **Werk**, built for the evacuation of water, in floud times; which Stuses were then broken down by *Philip de Columbers*, *Robert de Brente*, *John* his Brother, and others.

The like Commission [f] was then directed to the said *John Randolf* and the rest, to enquire of the breach of the Banks &c. of *John* Bishop of **Bathe** and **Welles**, in the lands of his Bishoprick, at **Blakeford**, neer **Werke** before-specified.

Many other Commissions for the view and repair of the Sea-banks and others, in this County, were afterwards granted to several persons; *viz.* in 10 E. 2. to [g] *John de Beauchamp*, *Will. de Burne*, and *John de Fosse*. In 18 E. 2. to [h] *John Randolf*, *Elias de Godele*, and the said *John de Fosse*. In 19 E. 2. to [i] *John de Clyvedon*, *Hugh de Langelond*, and *Elias de Godele*. In 20 E. 2. to [k] *John de Mohun*, and *John Randolf*.

In 3 E. 3. to [l] *John Inge*, *Hugh de Langlond*, and *Peter Colesbayn*, for those Banks betwixt **Bristoll** and **Muchaney**. In 14 E. 3. to [m] *Richard Lovel*, *Henry Power*, and *Roger de la Walle* for those in **Brentmershe**, betwixt the Town of **Stert** and **Burcle**, in length; and **Wollavyngton** and **Hegh bugge** (now called **High bridge**) in bredth.

In 17 E. 3. to *Richard Lovel*, *John Inge*, *John de Mere* and *Henry Power*, for those betwixt **Bristoll** and **Dunsterre**, and the parts adjacent. So also in 22 E. 3. to [n] *John Inge*, *John de Clyvedon*, *Henry Power* and *Adam Bret*.

In 25 E. 3. to [o] Sir *John de Clyvedon*, Sir *John de Seintlo* Knights, *John de Somerton*, and *Nicholas de Ledrede* for the Banks in divers parts of this County.

In 32 E. 3. upon a pleading [p], occasioned by an Indictment against the Dean of **Welles** and *Richard de Cogan*, and their Tenants, for the not scouring the Watercourse neer **Hakmede** and **Holimede**; and against the Dean alone for two Sluses, called **Netherpound** and **Southerpound**; and for a Floud-gate, called **Hakewere**, they were then acquitted.

In the same year *Mathew de Clivedon*, Sir *John de Clivedon* Knight, Sir *Walter de Paveley* Knight, and others, were assigned [q] to view and repair the Banks &c. betwixt **Bristoll** and **Taunton**, and betwixt **Byuton** and **Severne**.

In 34 E. 3. Sir *Richard de Acton*, Sir *John de S. Lo* Knights, and others, had * the like assignation, for the Banks betwixt **Bristoll**, **Wartok**, and **Taunton**, and betwixt **Byuton** and **Severne**.

In 36 E. 3. Sir *Richard de Diton* Knight, *Walter de Aldebury*, Sir *John de Seintlo* Knight, *Mathew de Clivedon*, and others, had [r] the like for those at **Bristoll**, **Wertok**, and **Taunton**; as also at **Welyngton**, **Dunsterre**, **Byuton** and **Severne**. So also in 1 R. 2. had [s] Sir *Richard Acton* Knight, *Henry Percehay*, Sir *John de la Mare* Knight, Sir *John L'orly* Knight, *Robert Syddenham*, *Robert Cheddre*, and *John Panet*.

In 2 R. 2. Sir *Iames de Audeley* Knight, Lord of **Hely**, Sir *Will. Botreaux* Knight, Sir *Henry Percehay* Knight, Sir *Richard Acton* Knight, *Walter Clopton*, and others, were constituted [t] Commissioners for the view and repair of the banks &c. in **Brentmershe**, and **Wryngemershe**, and in other places upon the Sea-coast and water of **Severne**, betwixt **Bristoll** and **Dunsterre**.

After this, divers Commissions for the Banks, Ditches &c. in general throughout this County, were issed out; *viz.* in 5 R. 2. to [u] Sir *Maurice Wyth*, Sir *Will. de Bonvile*, Sir *John Weyland* Knights, *Richard de Sydenham*, and *John Manyngford*. And in the same year to

b Par. 2 E. 2. m. 22. in dorso cedulæ.
c Par. 4 E. 2. p. 1. m. 25. in dorso.
d Par. 9 E. 2. p. 1. m. 8. in dorso.
e Par. 9 E. 2. p. 1. m. 23 in dorso.
f Ibid.
g Par. 10 E. 2. p. 2. m. 15. in dorso.
h Par. 18 E. 2. p. 1. m. 13. in dorso.
i Par. 19 E. 2. p. 1. m. 20. in dorso.
k Par. 20 E. 2. m. 26. in dorso.
l Par. 3 E. 3. p. 2. m. 2. in dorso.
m Par. 14 E. 3. p. 1. m. 28. in dorso.
n Par. 22 E 3. p. 1. m. 21. in dorso.
o Par. 25 E. 3. p. 3. m. 5. in dorso.
p Plac. coram Rege term. Pasch. 32 E. 3 Rot. 23 Somerset.
q Par. 32 E. 3. p. 1. m. 30. in dorso.
* Par 34 E. 3. p. 1. m. 17. in dorso.
r Par. 36 E. 3. p. 2. m. 18. in dorso.
s Par. 1 R. 2. p. 1. m. 25. in dorso.
t Par. 2 R. 2. p. 2. m. 32. in dorso.
u Par. 5 R. 2. p. 1. m. 2.

w Pat. 5 R. 2. p. 2. m. 29. in dorſo.

w the before-ſpecified Sir *Iames de Audeley*, Sir *Guy de Bryan*, Sir *Will. Cogan*, Sir *John Trivet*, Sir *John Rodeney*, and Sir *John de la Mare* Knights, *John Cary*, *Will. Cary*, *John Domere*, and *John Barre*.

By virtue of which Commiſſion, the ſaid Sir *Guy de Brien*, Sir *Will. Cogan*, Sir *John Tryvet*, Sir *John Rodeneye*, and Sir *John de la Mare* Knights, *John Cary*, *John Domere* and *John Baree*, met * at **Bridgwater**, on Monday next after the Feaſt day of *S. Margaret* the Virgin; where the Shireeve of the County, having received the ſaid Kings Precept to that purpoſe, cauſed *xij* honeſt and lawful men within his liberty, to appear, *viz. John Ivethorn*, *John Eyr &c.* who did, † upon their Oaths preſent, that there was a certain bank, called **Southlake Wall**, lying betwixt the Path and **Tutte yate trees**, in **Weſton**; by which, divers Watercourſes, called **Runes**, were obſtructed by the Abbot of **Glaſtonbury** and his Tenants, inſomuch as the ſaid water overflowed and drowned the Meadows and Paſtures of many men, to the damage of the whole Country; and that the ſaid Abbot and his Tenants ought to reform the ſame.

* Pat. 8 R. 2. p. 2. m. 36.

† Ibid.

And they alſo ſaid, that there were in the River of **Peret** two VVeres, called **Tappyng Weres**, whereby the courſe of the water was ſtraitned, which ought to be amended and removed by the Abbot of **Glaſtonbury**, and Biſhop of **Winchester**.

And that there was a certain pleck of Oſiars at **Tutte yate** in **Weſton**, appropriated by the ſaid Abbot and his Tenants, by which the water courſe was ſtraitned and ſtopt, to the damage of the Country; and that it ought to be amended and totally removed by the ſaid Abbot and his Tenants. Whereupon the ſaid Abbot and his Tenants, conſtituted *John Panes* and *John Fitelton* their Attorneys, to anſwer to this chardge.

* Ibid.

By another Inquiſition * taken at that time before the ſaid Juſtices, upon the Oaths of *John Strache* and others, it was then likewiſe preſented, that the courſe of the water called **Wythyne**, was ſtopped by ſand and weeds, through the neglect of the ſaid Abbot of **Glaſtonbury** and his Tenants of **Wythyes**, on the one part, & Sir *VVill. Cogan* and his Tenants of **Honyſpull** on the other part. And that afterwards the ſaid Abbot and his ſaid Tenants, conſtituted the ſaid *John Fytelton* and *John Panes* their Attornies to anſwer thereto. And by another Inquiſition taken at **Taunton** the *Thurſday* next after the Feaſt of *S. Giles* the Abbot, in the ſixth year of the ſaid King, the Jurors, upon their Oaths, did ſay, that the ſaid Abbot did, at **Monketon**, maintain certain Trees hanging in the River of **Tone**, overthwart the ſame ſtream, inſomuch as Boats could not paſſe there, betwixt the Mill of **Tobrigge** and **Bathepole**, as they had wont to do, to the great damage of the whole Country. And they farther ſaid, that the Mill, called **Bathepole**, for grinding of Corn, was built in the midſt of the River of **Tone**, with ſtone walls ſix foot higher than they had formerly been, by Sir *Richard de Atton* Knight. VVhich Mill the ſaid Abbot then had and ſupported. And they alſo ſaid, that there was likewiſe a Fulling Mill built in the ſaid River, by the ſaid Sir *Richard de Atton*, after the great Plague, which was then alſo in the poſſeſſion of the ſaid Abbot; by reaſon whereof the ſaid ſtream could not have it's paſſage as formerly; but overflowed both the Corn ground, Meadows, and Paſtures adjacent, to the damage of all the Country. And likewiſe, that the Kings High wayes, betwixt **Taunton** and **Bathepole-bigge**, were ſo overflowed and ſpoyled, by the flowing back of the ſaid water, that people could not travel that way: and that the ſaid Abbot ought to amend the ſame.

And they alſo ſaid, that by the building of thoſe Mills and VValls, the Boats which had wont to have paſſage that way with Merchandize, from **Bridgewater** to **Taunton**, were ſtopped; and that the Fiſh were alſo thereby hindred of their courſe to and from thoſe places.

And they ſaid moreover, that a certain piece of ground, on one part, in **Monketon**, was appropriated to the ſaid Abbot, by the planting of VVillows and other Trees by the ſaid Abbot and his Predeceſſors, their ſervants and Tenants there. And alſo that the ſaid Sir *John Poulet* Knight, had appropriated the ground on the other ſide, by the like plantations; ſo that the Chanel which had been antiently *xxx* foot wide, was not then above *x* or *xij* foot in bredth,

from the said River of **Bathepole** to **Criche**, by reason whereof, boats could not passe therein as they had wont, to the great damage of the Country.

To answer all which chardge, the Abbot and his Tenants appeared, by their Attorney, upon the *Wednesday* in *Easter* week, in the seventh year of the said King: and as to the bank, called **Southelake wall**, first prefented, said, that it was in **Othery**, and not in **Weston**, which is parcel of his the said Abbot's Mannour of **Sowy**. And farther said, that he held a certain piece of ground, called **Southlakemore**, in **Othery** aforesaid, containing about *xl* Acres of land, Meadow and Pasture, & that it was parcel of the said Mannour, and lay betwixt the same Bank, and a certain Bank, called **Burwall**, which Mannour the said Abbot held as parcel of the foundation of his Church of **Glastonbury**; and that he and all his Predecessors were seized thereof time beyond memory, as in the right of their said Church.

And he alleged moreover, that there was a certain River, called **Paret**, which is adjacent to the said ground called **Southlake mere**, into which River the Sea water did flow and ebb; and that the said Bank, called **Southlake wall**, was and had been there time out of mind, for safeguard of the same ground, called **Southlake mere**, aswell to defend it from the inundation of the Tides, flowing in by the said River, as of the fresh waters descending by that and other Chanels, to the damage thereof: And that there was in that ground a certain high way, called the **Dzene**, extending it self through the midst thereof: And that the said Abbot and all his Predecessors and Tenants of **Othery**, had time out of mind maintained the said Bank, called **Southlake wall**, for the defence of that ground and way, as aforesaid; without that, that there had been any Runes, Sewers, Gutters, Trenches, or Ditches in the said Bank, called **Southlake wall**, or of right ought to be: and without that, that any Runes were obstructed by that bank, or any bank elswhere in **Weston**, called **Southlake wall**, as it was supposed by the said presentment: and this he was ready to justifie by the Country.

And as to the Presentment of the two **Weres**, called **Tappyng Weres**, in the River of **Paret**, by which the current of that water was hindred; he said, that he held the Mannour of **Sowy**, as parcel of the foundation of his Church of **Glastonbury**; as also a certain Floud-gate, called **Tappyng Were**, in the said River, which is parcel of that Mannour, and so supposed to be to the damage of the Country: And said, that the same Floud-gate had been there time out of mind; and that he the said Abbot and all his Predecessors were seised thereof, as parcel of the said Mannour; and that it then was in bredth, heighth and depth, as much as it had been time out of mind; and that the current of the said water was not any otherwise stopped, than it had been time out of mind; and that he was ready to make proof thereof by the Country.

And as to the presentment of the said pleck of Osiars so appropriated by him the said Abbot and his Tenants in **Weston**; he said that it was amended, and totally removed, and that this he was also ready to prove.

And as to the planting of the said Trees, and appropriating of the soyl, he said, that he was not guilty; and that he was ready to prove it. And because the said Tenants could not justifie, that the said nusance was removed, at the time of the said presentment, they were amerced at half a Mark.

And as to the Watercourse, called **Wythyzume**, which was obstructed as aforesaid, the said Abbot and his Tenants of **Wythies**, answered, that the said nusance was amended at the time of the said Presentment, and long before; and that this he was ready to prove.

And as to the Presentment that he had suffered Trees in **Monketon** to hang over the River of **Tone**, and overthwart the same, so that Boats could not passe to and fro; he said, that those Trees grew above **Bathepole mills**, where Boats never used to passe, neither could or ought to do; and that the said Trees were not any nusance; all which he was ready to justifie.

And as to the Presentment, that **Bathepole mill** was built in the midst of the River of **Tone**, with stone VValls higher by six foot, than they formerly had been: And that there was also a

Fulling Mill, built there *&c.* And likewise, that the Kings High way betwixt **Taunton** and **Bathepole bigge** was spoiled by the reflowing of the said water. And that the Boats, which had wont to have their passage with Merchandize from **Biggewater** to **Taunton**, were hindred *&c.* the said Abbot answered, that the said *Richard de Atton* was seised of the said Mills and those other Lands, and held them of the Abbot of **Glastonbury**, his Predecessor, as of his Mannour of **Monketon**, and in right of his Church of **Glastonbury**: and that he the said *Richard* and all they whose estate he then had in those Mills, Lands *&c.* had held them of the Predecessors of him the said Abbot, by certain services, time out of mind: And forasmuch as the said Mills were grown old and ruinous, he the said *Richard* did new build them, and made them of the same height, bredth and depth, as they were before he so pulled them down; and that this he was ready to prove. VVhich said Mills, with the Lands and Tenements aforesaid, the said *Richard*, by the Kings license, then and there exhibited, gave to one *Walter* Abbot of **Glastonbury**, the preceding Abbot; to hold to him and his Successors for ever: And so said, that the then Abbot held those Mills, in form aforesaid; without that, that they were built higher in any sort, other than is before alleged; and that this he was ready to prove.

And he said, that before those Mills were so new built by the said *Richard*, the fresh waters, descending into the said Chanel in great flouds, did overflow the Meadows and Pastures adjoyning, and also the before-specified Road-way betwixt **Taunton** and **Bridgwater**: so that the overflowing of those grounds, and prejudice to the same way, was not at all worse, after the said new building of those Mills, than it had been before; and that this he was likewise ready to prove.

And the said Abbot farther answered, that he was not obliged to repair the said Kings high wayes, so spoiled, as by the before-mentioned Presentment was supposed; in regard, that neither he nor any of his predecessors, nor any one whose estate he had in any of the Lands and Tenements aforesaid, had used to perform such repairs in those wayes time out of mind: and that this he was ready to prove. And he said moreover, that there was a certain place, below the said Mills, called **Bathepole Crosse**, whereunto all the Boats, coming from **Biggewater** towards **Taunton**, by the same water, and not above, nor farther in the said River of **Tone**, ought of antient time to go up or passe, or could so do; but had used to be unloaded there; and this he was ready to prove.

And he likewise said, that one *Walter* late Abbot of **Glastonbury**, his predecessor, then Tenant of those Mills, within eighteen years before, did of his own good vvill, and not of right, make a certain Chest of boards, for the ease of the then Bishop of **Wincheſter** (Lord of **Taunton**) and put it into the poole of those Mills, by which Chest, the boats in time of flouds, might be drawn up into the said poole: by which means the boats being drawn by that Chest, sometimes got up to the said Bishop's Mill, called **Tobigge Mill**; without that, that the said Boats did use to passe up towards **Taunton**, in the same River of **Tone**, any farther than the place called **Bathepole Crosse**, time out of mind. And without that, that the Fish in the said River were more hindred in their passage towards **Taunton**, than they had wont to be before the new building of the said Mills.

And as to the Presentment of certain ground in **Monketon**, appropriated to the before-specified Abbot, by the planting of VVillows and other Trees thereon, by his servants and Tenants; the said Servants and Tenants affirmed, that the said nusance was amended and totally removed, and that this they were ready to prove.

And the said Abbot likewise answered, that as to the planting of the Trees, and appropriating the soil in **Monketon** aforesaid, he was not at all guilty; and that he was ready to prove it. And because his servants and Tenants did not deny, that the said nusance was not removed, at the time of the said presentment; they were therefore amerc'd in half a Mark.

All which things, they the said Abbot, with his servants & Tenants, being ready to prove, they required judgement there in.

in. Whereupon a Jury being ſummoned, to appear before the ſaid Juſtices on *Thurſday* in *Eaſter* week, and there ſworn; did ſay, that the ſaid Bank, called **Southlake wall**, was in **Othery** (which is parcel of the ſaid Abbot's Mannour of **Sowy**) and not in **Weſton**; and ſo was and had been time out of mind, as the ſame Abbot had before pleaded: And they ſaid, that there never were or ought to be any Sewers, Gutters, Trenches, or Ditches in the ſaid Bank: and that no Runes were ſtopped by the ſaid Bank, as he the ſaid Abbot and his Tenants had alſo pleaded. And as to the two **Weres**, called **Tappyng Weres**, in the River of **Peret**; they ſaid, that the ſaid Abbot held the Mannour of **Sowy**, as parcel of the foundation of that Monaſtery; and that he had a Floudgate, called **Tappyng were** in the ſame River, which was parcel of the ſaid Mannour, and had been time out of mind: And that the Watercourſe there was not otherwiſe ſtopped, than it had been from the ſaid time, as he had formerly pleaded and alleged.

And as to the Preſentment of thoſe Mills, called **Bathepole mills**; they ſaid, that they were old and ruinous, and new built by the before-ſpecified *Richard*, after the great plague; and of the ſame height and depth as they had been time out of mind, and not otherwiſe; ſo that neither the Lands, Meadows, and Paſtures before-mentioned; nor the High way betwixt **Taunton** and **Bridgewater**, in **Bathepole**, were drowned or prejudiced by the ſaid new building of them, in any other manner than as they had uſed to be in great Flouds, and time out of mind, as the ſaid Abbot had alſo pleaded and alleged.

And as to the Preſentment concerning the paſſage of Boats and fiſh, from **Bridgwater** to **Taunton**; they ſaid, that there was a place, called **Bathepole Croſſe**, on the lower ſide of thoſe Mills; and that there all the Boats, coming from **Briggewater** towards **Taunton**, had uſed to be unloaded time out of mind; and that they neither could, nor ought of right to go farther: And likewiſe, that the ſaid Cheſt for the drawing up of Boats, neer to the ſaid Mill, was made by the ſaid *Walter* late Abbot of **Glaſtonbury**, Predeceſſor of the then Abbot, about *xvi* years before, voluntarily, and not of any right, for the eaſe of the ſaid Biſhop of **Wincheſter** (Lord of **Taunton**) to draw his Boats to **Tobrigge mill**. And they ſaid, that the Fiſh were not at all hindred to ſwim in that River, any otherwiſe, than what they had been time out of mind, as the ſaid Abbot did before plead and allege.

And as to the courſe of the water, called **Wythune**, which was ſtopped; they ſaid, that the before-ſpecified nuſance was amended at the time of the preſentment made, and long before, as the ſaid Abbot and his Tenants of **Wythies** had alſo pleaded. And as to the Trees growing athwart the River at **Monketon**; they ſaid, that they did grow above thoſe Mills, where boats never came nor ought of right to come, as the ſaid Abbot had alſo pleaded. And touching the pleck of Oſiars, they ſaid, that the ſame nuſance was amended and totally removed, as the Tenants of the ſaid Abbot had alſo pleaded. And as to the ground in **Monketon** appropriated by the ſaid Abbot, his Servants and Tenants, by planting of Willows and other Trees thereon, they likewiſe ſaid, that the ſaid nuſance was alſo amended and totally taken away, as the ſaid Abbot had alleged.

Upon all which conſiderations, it was determined that the ſaid Abbot and his Tenants, and Servants, excepting the before-ſpecified amerciaments, ſhould be diſchardged.

In 11 *R.* 2. there was another general Commiſſion [x], directed to the Abbot of **Glaſtonbury**, *Nicholas de Audley*, *Guy de Brienne*, and others, for the view and repair of all the banks, Ditches *&c.* in this County.

[x] Par. 11 *R.* 2. p. 1. m. 33 in dorſo.

In 2 *H.* 4. Sir *Peter Courtney*, Sir *Humfrey Stafford*, Sir *William Bonville*, Sir *Thomas Brooke* Knights, *John Strech*, and *John Manyngford*, were appointed [y] to view and repair the banks *&c.* at **Briſtoll**; **Merlok**, **Taunton**, **Pevelcheſtre**, **Melyngton**, **Dunſterre**, **Buton** and **Severne**; and in all places betwixt **Briſtoll** and **Dunſterre**; and betwixt **Buton** and **Severne**; & to do all things therein according to the Law and Cuſtome of this Realm.

[y] Par. 2 *H.* 4. p. 4. m. 10. in dorſo.

In 6 *H.* 4. the Maſter of S. *Marks* Houſe in **Briſtoll**, was diſchardged [z] from the repair of the Bridges, ſcouring of the Ditches, and making of Sluſes, in the Towns and places of **Powlet, Combwich, Pyriton, Huntſpill**, and betvvixt **Blakbrig** and **Purytonbrugg**: as alſo from the clenſing the Chanell, called **Hyburne**; and likewiſe that which goeth from the Town of **Coyk**, running to **Hyburne**, betwixt the Mannour of **Stokeland**, which belonged to the ſaid Maſter; and the Mannour of **Wyke**, which was the Lord *Poynings*: And likewiſe for the Sluce of **Thele**, for ſhutting out the Sea-water; and moreover for the ſtone bridge in the VVarth of **Wyke**.

z Plac. coram Rege term. *M. cb.* 6 H. 4. Rot. 5. Somerſet.

In 5 *H.* 5. Sir *Will. Botreaux* Knight, *Thomas Chaucer*, and *Richard Chedder* Eſquires, *John Stourton*, *William Sparow*, and *John Gregori* of **Bruton**, were aſſigned [a] to view and repair the banks betvvixt the Cities of **Bathe** and **Briſtol**; and from **Pilcetre, Lamport, Briggewater**, and **Taunton**: and to proceed therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm. The like aſſignation [b] in 2 *H.* 6. had *N.* Biſhop of **Bathe** and **Welles**, Sir *Will. Botreaux*, Sir *Thomas Stowell* Knights; *William Weſtbury*, *John Warre*, *John Stourton*, and *John Beaf*, for the banks in **Brentmerſhe, Wryngemerſhe**, and **Pouldon**; and to do all things therein according to the Law and Cuſtome of this Realm: As alſo to take ſo many Labourers, upon competent wages, to be imployed therein, as ſhould be requiſite, in regard of the great neceſſity of expediting the vvork.

a Par. 5 H. 5. parte unica m. 34. in dorſo.

b Par. 2 H. 6. p. 1. m. 32. in dorſo.

So alſo the next year following, vvere [c] Sir *Thomas Broke* Knight, *Richard Chedre* Eſquire, *John Marchant*, and *William Newetone*, for thoſe betwixt **Pevelcheſtre, Burneham** and **Welles**; and to act therein, and impreſt Labourers, as aforeſaid.

c Par. 3 H. 6. p. 1. m. 16. in dorſo.

And in 33 *H.* 6. Sir *Thomas Seymour* Knight, *Robert Warre* Eſquire, *Alexander Hody*, *Roger Fitz James*, *John Sidenham junior John Porter* and *William Bodeſham* had [d] the like appointment for the banks *&c.* betvvixt the Town of **Langeport-Eſtoner**, on the Eaſt ſide, and the Town of **Thurloketon** on the Weſt; as alſo betvvixt the Tovvn of **Coxy-Malet** on the South part, and the Tovvn of **Briggewater** on the North; and to make Lavvs and Ordinances therein, and to proceed in all things touching the ſame, according to the Lavv and Cuſtome of **Romeney** Marſh. And in 3 *E.* 4. *Richard Chokke*, Sir *Theobald Gorges*, and Sir *Walter Rodeney* Knights, *John Fitz James ſenior*, and *Robert Stowell* Eſquire, had the like for the Banks *&c.* from **Ryngwelle** to **Haylake Poo**; thence to **Sheſtrygge Poo**; thence to **Coleſtoke**; and thence to **Blakſtake** in the See; and to proceed therein as aboveſaid.

d Par. 33 H. 6. p. 1. m. 17. in dorſo.

Thus much for the Commiſſions: I next come to the Watercourſes [e] of **Brent marſh**, and who did antiently repair them.

e Ex Regiſtro *Glaſton.* cœnobii, penès *Radulphum Sheldon* de **Weoley**, in com. *Wigorn.* arm. an. 1659.

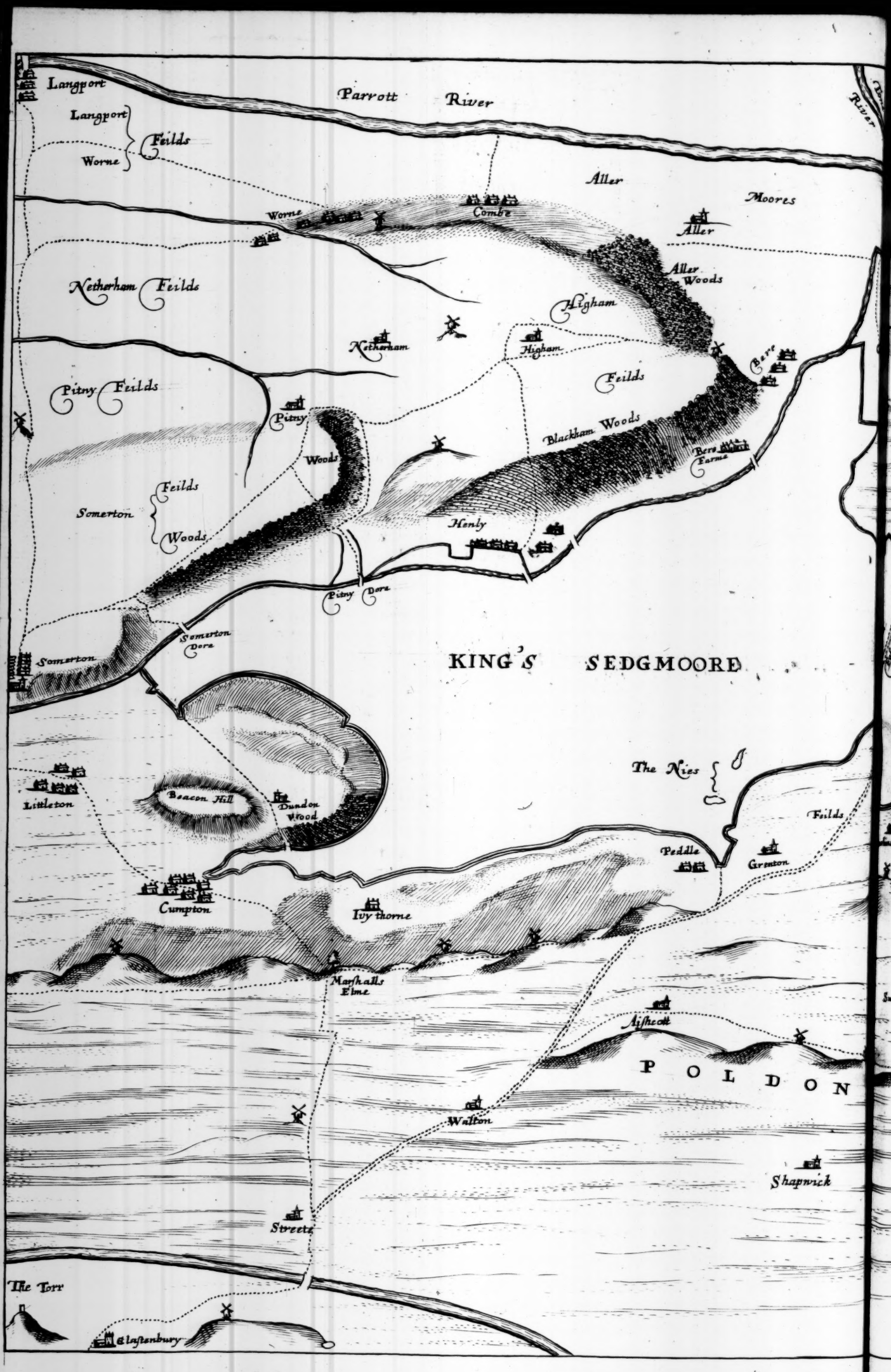
The Lord of **Bagewoythe** ought to repair the Chanel from **Blakelake** unto the Sea. And the Lord of **Biteſham** that from **Wineſbrugge** to the Sea. *Philip* the Son of *Corbin* that from **Wineſorugge** to **Blakelake**. *Hugh* the Son of *Auger*, and the ſame *Philip*, from **Hengeſtes mere** to the Sea. The ſecond courſe from **Hengeſteſmere** to the Sea, the ſame *Hugh* the ſon of *Auger*: and the third courſe from **Hengeſteſmere** to the Sea, *Raph de Seinbarbe*.

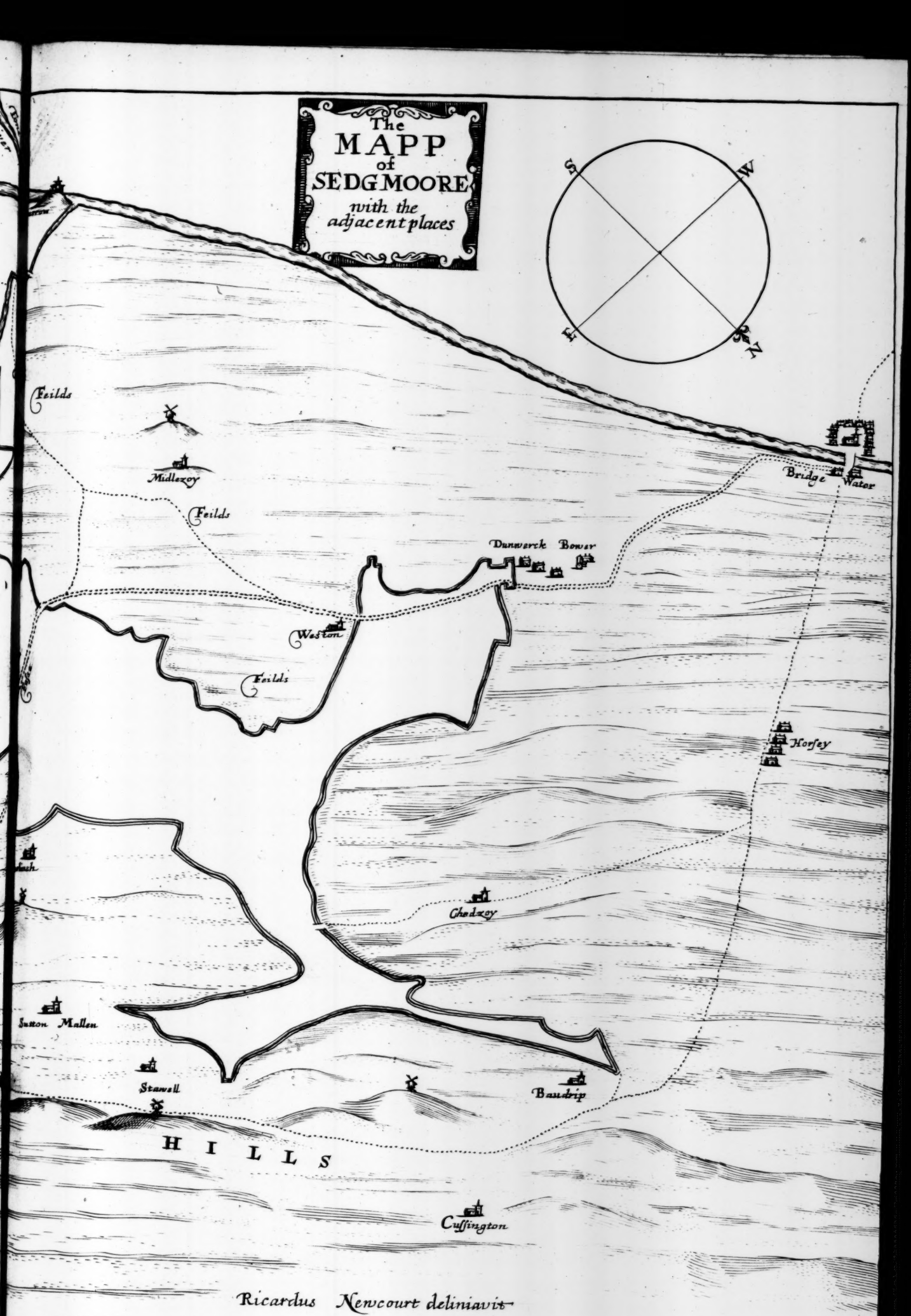
From the mouth of **Mere** to the Sea, the Church of **Glaſtonbury**: and from another part, from **Blakeſwelleshevede** to the Sea, the Church of **Glaſtonbury**. From **Schipperide** to **Wakeſen** the Dean of **Welles**; and ſo from **Wakeſen**, to the Land of *Robert de Ewyas* Lord of **Hewiſch**; and from **Brodecroſte** to the Mill of *Geffrey* Lord of **Burham**.

From **Thirride** to **Baggepole**, the Dean of **Welles**, and Lord of **Blakeforde**. Alſo from **Baggepole** to **Watebrok**, the ſaid Lord of **Blakeforde**.

From **Wathebrok** the Dean of **Welles** upon his own Land; and *Robert de Countvile*, alſo, for as far as his Land extended. After him the Lord of **Alnodeſtone**, beyond **Alnodeſtone were**, beyond **Wereham, Bagerde** *ſuperior* and *inferior*, to the Sea. So alſo from **Bethepulle** unto the Land of **Chalſtone**: and from **Ewendone** and **Chalſtone** unto **Coſingtone**; and from **Coſingtone** to **Honiſpel**, and thence to the Sea.

The Lord of **Bagewoyth** likewiſe ought


Langport
Parrott River
Langport
Feilds
Worne
Aller
Moores
Worne
Combe
Aller
Aller Woods
Netherham Feilds
Higham
Netherham
Higham
Feilds
Pitny Feilds
Pitny
Blackham Woods
Woods
Feilds
Somerton
Woods
Henly
Pitny Dore
Somerton Dore
Somerton
KING'S SEDGMOORE
The Nies
Littleton
Beacon Hill
Dundon Wood
Feilds
Peddle
Grenton
Cumpton
Ivy thorne
Marshalls Elme
Aysheott
POLDON
Walton
Shapwick
Streets
The Torr
Glastenbury



Ricardus Newcourt deliniavit

ought to repair Hukelbrigge, Bidesham and Wrinlesbrig. *Philip Cortin* the bridge of Toznoc; *William fitz Angel* the bridge of West Toznoc. *Raph de Seinbarbe* the bridge of South tinet, and Brente, Michaels Bridge, and the bridge beyond; and likewise Mapelbrugge: And the Dean the Brigge.

Sedgmoze.

There is also in this County, a large Fenny plain; which, being covered with water for the most part of the VVinter, and in Summer affordeth nothing but Rushes, Reeds, and Sedge, hath thence the name of Sedgmoze.

Over this level there is a fair Causey of stones and gravel (from Somerton to Bridgwater) about eight miles in length, antiently made by one of the Abbots of Glastonbury (as tradition saith) which still bearing his name, is called Haylock's losse.

I do not find, from the authority of any Records, or other credible testimony, that there was ever any endeavour used for the improvement of this Moor by drayning, till of late dayes, that King *James* (of blessed memory) making title to the soyl, resolved to do it: But, as Sedgmoze in most other places, there be a perverse generation of people, who, of themselves are not content to sit still, but will hinder others that would promote such laudable works for the publick good; so was it here; for divers there were that made opposition thereto: But after a Bill exhibited in the Exchequer, those opponents and the rest of the owners of the adjacent Lordships commoning with their Cattel upon this Moor, discerning, that they could make no justifiable claim to the soyl, offer'd to assign unto the King four thousand Acres in lieu of his right thereto, and to lay out the residue (being nine thousand five hundred twenty and two Acres) unto those their Lordships: which being accepted of by the King, there were Allotments then made, according to the proportion of each Mannour.

Nevertheless, after this fair entrance to so good and beneficial a work, nothing was done therein: To give some encouragement therfore to posterity, in case this present age shall still decline it, I have here exhibited a perfect Map thereof, with the particular Allotments assigned to each of those bordering Lordships.

The Division and Allotment of King's Sedgmoze, *to the several Mannours and Freeholders thereunto adjoyning, according to the Survey thereof taken.*

Names of the Mannors.		Quantity of the Mannors. Acres.	Allotment of Acres in the Moor. Acres.
Dunwere Bower.	To the heirs of Sir *Robert Chicheſter*,	600	171
	To *William Hinkmore* Eſquire,	350	100
	To *Brent's* Lands there,	260	75
Stawell.	To Sir *John Stawell* Knight of the Bathe,	960	274
Sutton Mallet.	To *John Mallet* Eſquire,	820	234
Bawdrippe.	To *Walter Longe* Eſquire,	765	218
Brodney.	To *Thomas Muttlebury* Eſquire,	246	70
Middle Zoy.	To *Richard Warr* Eſquire,	1714	488
	To Sir *Richard Strode*,	194	56
	To the Freeholders there,	80	23
Mourlinch.	To the heirs of Mr. *Floyer*,	1240	354
Bigham.	To *Henry* Lord *Gray*,	2485	708
Netherham.	To the heirs of Sir *Edward Hext*,	928	264
Iller.	To Sir *John Stawell*,		
Berre.	To Sir *William Courtney*,	400	114
	To *James Northover*, Gentleman, his Farm there,	300	86
	To the Parsonage, and other Freeholders there,	100	29
Fishcot.	To Sir *Thomas Cheeke*,	1846	526

To

Hatsey.	To Sir *George Horsey*,	1293	370
Ched Fol.	To *William* Earl of Pembroke,	1440	411
Mellon.	To Sir *Peter Van Lore*,	2038	582
	To the Parson and Vicar, *John Brag* and *Nicholas Watts*,		
Othery.	To *Edward Trint* Esquire,	1378	393
	To Mr. *Balle*, Mr. *Harris*, and Mr. *Sanders*, their Freeholds,	121	35
Somerton.	To *Thomas Hill* Esquire,	1430	408
	To *James Rese* Esquire,	464	132
	To the heirs of Sir *Edward Hext*,	3159	901
	To the Parsonage there,	171	49
	To the Church-Burgages,	52	15
Czaynton.	To the heirs of Mr. *Watts*,	1019	291
Pitteney.	To *William* Earl of Northampton,	1114	318
	To the heirs of Sir *John Hanham*,	882	251
Crumpton. Dondon.	To Sir *John Strangways* Knight,	1921	548
	To Baronet *Portman* his Freehold there,		
Walton.	To Sir *Thomas Thinne*,	1893	540
Street.	To *Andrew Whittington*,	1711	488
	To Mr. *Alexander Deyer*,		
	To Freeholders, omitted,		
		The total 32374 Acres,	The total 9522 Acres, besides 4000 Acres intended for the King.

Memorandum, that these Allotments were rated proportionably after the rate of *xxviij* Acres and a half of the Moor (by the perch of *xv* foot) to every hundred Acres of the severals.

CAP.

CAP. XXI.

TOuching the Marſhes in this County, the firſt Commiſſion, [a] that I have found, was in 5 *E.* 2. and directed to *John de Wyllington*, *Robert de Clyderhow*, and *Stephan de Salt-marſh*, for the view and repair of the Banks *&c.* in the parts of **Hambury** in **Saltmerſh**. The like, [b] about two years after, was directed to *Nich. de Kyngeſton*, *Richard de Rodeneye*, and *John de Dunſtaple*.

In 33 *E.* 3. *Thomas de Berkelee* of **Coberlee**, *Simon Baſſet*, *William de Chiltenham*, *John de Yate* and *John de Clifford* were aſſigned [c] to view and take order for the repair of all thoſe which were bordering upon **Severne**, betwixt **Briſtoll** and **Glouceſter**. So alſo in 36 *E.* 3. were [d] *Thomas Moygne*, *John Tracy*, *John Clifford*, and *John Sloghtre*. And in 38 *E.* 3. the ſaid *John Tracy*, *John Clifford*, and *John Sloghtre*. Who accordingly ſate at **Thoznbury**, upon Monday next after the Feaſt of S. *Peter ad Vincula*: where the Jurors preſented [f] unto them upon Oath; that *John Fitz Nicholl*, Lord of **Hull**, was bound to receive the watercourſe of the **Rendyche**, lying betwixt the Lordſhips of **Roehampton** and **Hull**, and to lead the ſame upon his own land unto the **Severne**; which he had not done; and that the Country was dampnified by ſuch his neglect. And the ſame *John*, being thereupon diſtrained to come before the ſaid Juſtices at **Sobbury**, on Wedneſday next after the Feaſt of *Peter & Paul*, in the 39th year of the ſaid K. *E.* 3. to anſwer thereunto, came; and ſaid, that he ought not, nor ever did receive and lead the ſaid Watercourſe upon his own proper ſoil unto **Severne**, as it was alleged; and therefore did put himſelf upon the Countrey: And accordingly was diſchadrged therof by the Jurors.

In 44 *E.* 3. *John Moubray*, *Will. Wakebrigg*, *John Sarjaunt*, *Robert Palet*, and *William Church hill* were appointed [g] to view and repair the Banks *&c.* in **Saltmerſh**, neer **Briſtoll**.

In 2 *R.* 2. it was certified [h], that there was, and antiently had been a certain ſtanding water, occaſioned by rain, in the Meadows and Fields of the Towns of **Aylbrighton**, **Olveſton**, **Auſte**, neer **Cotes** and **Littelton**, in the Winter ſeaſon every year; for the drayning whereof, there likewiſe was, and antiently had been a certain Trench, wholly out of the land the Abbot of **Malmelbury**, extending from the waters of the ſaid Towns to a certain place called **Holpole**; and from thence to another place called **Holpole**; and thence to a place called **Pynkenhampſpull**, and thence to another place called **Cakepull**; and thence to **Severne**, which is an arm of the Sea. Which trench the ſaid towns of **Aylbrighton**, **Olveſton**, & **Auſte** neer **Cotes** were obliged to ſcour. And they ſaid, that neither the waters of **Aylbrighton**, **Olveſton**, **Auſte**, neer **Cotes**, and **Littelton**, nor any other waters coming upon, or overflowing the Lands and Meadows of thoſe Towns, by rain, or any other means, before the twentieth year of the reign of King *Edward* the firſt, did uſe to run to **Boyſton**, nor from thence to **Severne**, nor **Littelton's pull**; nor to the trench which the ſaid Abbot claimed only for the drayning of the waters overflowing his Lands, unto **Severne**, as by the allegation of *Thomas Shardelowe*, then the ſaid King's Attorney, was ſuppoſed.

Several other Commiſſions there were, in this King's time, for the repair of the Banks, Ditches, and Sewers in this Shire; *viz.* in 4 *R.* 2. to [i] Sir *Thomas de Berkele* and Sir *John Thorpe* Knights, *Raphe Waleys* and *John Stanſhawe* for thoſe in the Towns of **Albrighton**, **Olveſton**, **Luttleton**, and **Auſt**, neer **Cotes**.

[a] Pat. 5 E. 2. p. 2. m. 4. in dorſo.

[b] Pat. 7 E. 2. p. 2. m. 16. in dorſo.

[c] Pat. 33 E. 3. p. 1. m. 19. in dorſo.

[d] Pat. 36 E. 3. p. 1. m. 15. in dorſo.

[e] Pat. 38 E. 3. p. 1. m. 27. in dorſo.

[f] Ex bund. de Brev. & Recordis, Wallias *&c.* tangentibus, 38 E. 3. n. 8.

[g] Pat. 44 E. 3. p. 1. m. 33. in dorſo.

[h] Plac. coram domino Rege apud *Glouc.* term. *Mich.* 2 R. 2. rot. 8. *Glouc.*

[i] Pat. 4 R. 2. p. 1. m. 17. in dorſo.

k Pat. 6 R. 2. p. 1. m. 9. in dorſo. In 6 *R.* 2. to [k] Sir *John Beauchamp* of **Powyk**, and Sir *Will. Caſtelacre* Knights, *John Cherleton* and *William Heyberer*, for all in general throughout this County.

l Pat. 8 R. 2. p. 1. m. 39. in dorſo. In 8 *R.* 2. to [l] Sir *Thomas Berkele*, Sir *John Berkele*, and Sir *Edward de Bradeſton*, Knights, *Robert de Cherletone*, *John Sergeant*, *Raphe Weleys*, and *John Stanſhawe*, for thoſe on the coaſt of **Severne**, in the Hundred of **Berkele**, **Gumbaldeſath**, **Thornebury** and **Pembury**.

m Pat. 9 R. 2. p. 1. m. 11. in dorſo. In 9 *R.* 2. to [m] *Thomas Berkley* of **Berkley**, *Robert Bealknap*, *John Berkley*, *John Tracy*, *John Sergeant*, and *John Lucy*, for thoſe on the coaſt of **Severne**, and parts adjoyning. So likewiſe in 13 *R.* 2. to [n] Sir *John Berkele* Knight, *John Caſſey*, *Raphe Waleys*, and others.

n Pat. 13 R. 2. p. 1. m. 34. in dorſo.

In 16 *R.* 2. the King, directing his

o Clauſ. 16 R. 2. m. 4. Precept [o] to the Shireeve of this County; wherein he reciteth, that whereas Sir *Robert Bealknap* Knight, and *John Lucy*, lately conſtituted his Juſtices of Sewers, for the Banks *&c.* on the coaſt of **Severne**, and the parts adjoyning; did ordain and appoint, that the breach made by the men of **Aylberton**, in a certain Cauſey dividing the Fields of **Luttelton** and **Aylberton**, ſhould be repaired and made good, in as perfect a manner as it was before. And that for the drayning of the waters out of the Towns and Fields aforeſaid, a certain Ditch, which extended it ſelf from the South ſide of the ſaid Cauſey, from the town of **Aylberton** unto **Severne**, ſhould be competently amended in ſuch places where need required, at the chardge of thoſe who had eſtates in the Lands and Tenements adjoyning; that is to ſay of thoſe who had uſed to make and repair them; and that this ſhould be done as often as need required. And moreover, that ſix ſufficient men, having lands in thoſe parts, and alſo one Bayliff ſhould be choſen and ſworn to view, as often as they ſhould think fit, all the ſaid Ditch, from the one end thereof to the other; and to cauſe it to be amended and repaired from time to time, according to the tenor of the ſaid Ordinance and Decree.

And that a certain Sluſe, antiently ſet in the ſaid Ditch, at the common chardges of all thoſe who had benefit by the drayning of thoſe waters, which did deſcend thereby, ſhould be competently maintained by the view of the ſaid ſix men and the Bayliff before-ſpecified. And that certain men of thoſe parts, ſpecified in the ſaid Proceſſe, ought ſeverally to ſcour and cleanſe ſome perches of the ſaid Ditch; and that they ſhould be diſtrained thereto, by the ſaid ſix men and the Bayliff, as often as occaſion required; as by the Record and proceſſe thereof had on that behalf, and by the ſaid King's Letters Patents, exemplified under his great Seal, more plainly might appear.

And foraſmuch as at that time, upon the relation of divers of the ſaid King's faithful Subjects, he was informed, that, through the neglect in obſerving the ſaid Ordinance and Decree, much loſſe had hapned to divers of his Loyal Subjects, and others reſiding in thoſe parts; and many worſe, in proceſſe of time were like to fall out, except a more ſpeedy remedy were uſed therein: the ſaid King, for prevention thereof, commanded the ſaid Shireeve, to view the exemplification of that Record and proceſſe; and calling before him thoſe ſix men and the Bayliff, and fully declaring the premiſſes unto them; to warn and diſtrain them for the performance of all things, which did belong to them therein.

In 11 *H* 4. Sir *Gilbert Denys* Knight, *Robert Poynns*, *John Grevill*, *John Giffard*, *John Ruſſell*, *Will. Godefelawe*, *Gilbert Gylberd*, and *Will. Merbury*, were aſſigned [p] to view, and take order for the repair of all thoſe Banks *&c.* betwixt **Glouceſter** and **Briſtoll**, which were then broken by the violence of the tides; and to do all things therein according to the Law and Cuſtome of this Realm, and the Cuſtomes uſed in thoſe places. As alſo to take ſo many Labourers upon competent wages, in reſpect of the great neceſſity, as ſhould be needful for that work.

p Pat. 11 H. 4. p. 1. m. 3. in do. ſo.

And in 1 *H.* 5. *Robert Poyntz*, *Alexander Clevedone*, *Thomas Mille*, *John Derhurſt*, *Robert Stanſhawe*, and *Nich. Alderlegh* were appointed [q] to view and repair all thoſe Banks *&c.* in **Salt marſhe**, betwixt **Diſton** and **Pembury**: and to act therein according to the Law and Cuſtome of the Marſh.

q Pat. 1 H. 5. p. 1. m. 21. in do. ſo.

CAP.

West Riding.

CAP. XXII.

FROM Glouceſterſhire I muſt make a large ſtep, the more Weſtern parts of this Realm affording no conſiderable Marſhes; nor the North VVeſt neerer than **Yorkeſhire**; but that Country is well ſtored with ſuch Fenny grounds, eſpecially neer the Rivers of **Ouſe**, **Darwent**, **Aire**, **Done**, **Trent**, and **Humber**; ſome part whereof do lye in the **Eaſt Riding**, but the greateſt proportion, in the **Weſt Riding** of that County: for in that flat about **Houeden**, and bordering upon it, it hath been obſerved [a], that there are no leſſe than fifty eight Villages, and that it hath heretofore been vulgarly called [b] **Waulyng fenne**; though now (as I think) **Dikes marſh**, and **Hatfield Levell** are the moſt noted names whereby it is commonly known.

a { *Leſ.* Itin. b { vol. 1. p. 58.

Purſuing therefore my accuſtomed method, in diſcourſing of the improvements here likewiſe made by banking and drayning; I ſhall obſerve, that the firſt Commiſſion [c] for that purpoſe, wherewith I have met, is in 23 *E.* 1. and directed to *H. de Creſſingham*, and *J. de Lithgreines*; who, upon complaint made to the King, by *Walter de Langeton*, then Maſter of the Hoſpital of S. *Leonards* at **York**; that divers perſons, having lands lying neer the River **Ouſe**, betwixt the towns of **Houke** and **Reones**; who, in reſpect of thoſe their ſaid lands, ought to repair and maintain certain Banks and Sewers upon the borders of that ſtream, for the ſecuring of them from inundation, as they and their Anceſtors in times paſt had done; did neglect ſo to do, whereby great loſſe accrued to many other Land-holders in thoſe parts; the ſaid King aſſigned them the ſaid *Hugh* and *John*, to enquire the truth thereof, and to take ſuch courſe for the redreſſe of the ſame, as ſhould be conſonant to the Laws and Cuſtomes of this Realm.

c Par. 23 *E.* 1. m. 16. in dorſo.

The like Commiſſion [d] had the ſaid *Hugh* and *John* touching the view and repair of the Banks, Ditches *&c.* upon the ſame River of **Ouſe**, from **Cawode** to **Farflete**, on both ſides the water. So alſo in 27 *E.* 1. had *Thomas de Burnham* and *Gerard Salveyne*, for the ſame Banks *&c.* betwixt **Cawode** and **Farflete**.

d Ib. m. 15. in dorſo.

In 28 *E.* 1. upon information [e] made by the Land-holders of **Bunkeflet** and **Farflet**, that one *Peter Betard* and the townſmen of **Beleby**, had diverted the ſtream of **Beleby Wathe** out of it's antient Chanel, into the Watercourſe of **Fulnathe**: and likewiſe that the Inhabitants of **Eſtringtone** and **Portingtone**, had turned the courſe of thoſe ſuch waters, as paſſed neer thoſe towns, by ſeveral trenches, ſo variouſly, that, upon any great rain they drowned the greateſt part of the lands adjacent; ſo that neither paſſengers could travel in the common Road betwixt **Beleby** and **Pokelington**, nor the ſaid men of **Bunkeflet** and **Farflet**, till and ſow their low grounds, or dig turf in the Moor of **Walkingfen**, or depaſture their Cattel in the parts thereabouts; the King therefore aſſigned the before-mentioned *John de Lythegreyns*, and *Robert de Boulton* to view thoſe places, and to redreſſe the ſaid nuſances.

e Par. 28 *E.* 1. m. 7. in dorſo.

Several other Commiſſions for the view and repair of the Banks, Ditches, and Sewers in thoſe parts, were afterwards iſſued; *viz.* in 32 *E.* 1. to [f] *Tho-*

f Par. 32 *E.* 1. m. 20. in do ſo.

West Riding.

mas de Burnham, William de Hake, and Thomas de Fisheburne, concerning those, upon Ouse, betwixt Cawode and Bungflete. In 2 E. 2. to [g] Alexander de Cave and Geffrey de Hothum, for those upon the verge of Humber and Ouse, betwixt Ellerker and Barneby, neer Howeden.

[g] Pat. 2 E. 2. m. 22. in dorso cedulæ.

In 4 E. 2. to [h] Will. de Huke, Gerard Salveyn, and John de Metham, for those betwixt Farflete and Cawode. And in the same year to [i] Will. de Vavasur, Will. de Houk, and Thomas de Fisheburne, for those in the parts of Merskland, Incleswoe & Howedenshire, then much broken and in decay.

[h] Pat. 4 E. 2. p. 1. m. 25. in dorso.

[i] Ibid: m. 18. in dorso.

In 8 E. 2. upon complaint [k] made by the men of Merskland, inhabiting upon the River of Done; that the said River, whereunto the Sewers of the neighbouring parts did use to run, was partly by reason of the Sea-tides, and partly by undue straightnings, so obstructed and stopt, that most part of the lands thereabouts were overflowed. VVhich complaint being exhibited to the King in Parliament, then sitting at Westminster, he constituted [l] John de Doncastre, Roger de Cloberne, and Robert de Amecotes, his Commissioners, to enquire thereof, and proceed to the redresse of the same.

[k] [l] Pat. 8 E. 2. p. 2. m. 2.

In 9 E. 2. the said John de Doncastre, Peter d'Eyvill, and Alexander de Cave were assigned [m] to enquire of the defaults in repair and clensing of certain Ditches in the parts of Spaldyngmoe, within the Bishop of Duresme's liberty of Howedene, whereby the low grounds, there, were overflowed. And in the same year, the said John, and Alexander, together with Hugh de Louthre, Adam de Midleton, and Adam de Hopton, had the like assignation [n] for the view and repair of those Banks, upon Ouse, betwixt Rikhale and Howeden dyke.

[m] Pat. 9 E. 2. p. 1. m. 4. in dorso.

[n] Pat. 9 E. 2. p. 2. m. 29 in dorso.

In 12 E. 2. Hugh de Pykworth, John Travers, and Adam de Hopertone were appointed [o] to view the Banks &c. in Merskland upon the River of Done, & to make them new in such places where they should think fit. The like appointment [p] in 13 E. 2. had John de Doncastre, Adam de Haperton, and Nich. de Sutton, for those upon Ouse, betwixt Bardelby and Hemingbrough. So also in 14 E. 2. had [q] Alexander de Cave, Thomas de Houke and Hugh de Pikworth, for those betwixt Farflete and Cawode. And in 16 E. 2. the same Thomas de Houke, Gerard de Ufflet, and John the Son of Richard de VVhitgift, had the like for [r] those on the verge of Ouse in Merskland, betwixt the River of Ayre and Trent fall. So likewise [s], the same year, had the said Thomas de Houke and VVill. Basset for those upon the said stream of Ouse, from Berlay Water-house to Ayremynne; and thence upon the water of Ayre to the passage of Carletone neer Snaythe. In that year also did the King send his Precept [t] to Adam de Strikeland, then Guardian of his Mannour of Hatheisay (at that time in his hand) that he should cause the banks upon the River Aere, belonging to that Mannour, to be repaired in all places needful, according to the view and testimony of honest and lawful men of those parts.

[o] Pat. 12 E. 2. p. 2. m. 1. in dorso.

[p] Pat. 13 E. 2. m. 16. in dorso.

[q] Pat. 14 E. 2. p. 2. m. 24. in dorso.

[r] Pat. 16 E. 2. p. 1. m. 14. in dorso.

[s] Ibid. p. 1. m. 10. in dorso.

[t] Claus. 16 E. 2. m. 1.

In 17 E. 2. VVill. Basset, Thomas de Egmanton, and John the Son of Richard de VVhitgift had Commission [u] to view the defects in repair of all the banks upon Ouse, in the parts of Merskland, betwixt the River of Ayre and Trentfall. And the same year, had Alexander de Cave, Thomas Houke, Peter de Saltmersh, Robert D'amcotes, VVill. de Lincolne, and Geffrey de Edenham the like [w] Commission, for the view and repair of those betwixt Suth Cave, and Barneby, neer Howeden, then broken in divers places. As also for the VVater-courses and Ditches of Beleby wyk, Fulnath, Ragolf dyke, Lange dyke, Skelflete, Hingbrikslk, Blaktoft damme, Thornton's damme, Temple damme, Miklestek, Hebewisgote, Crakput, Bulnedam of Broukflet, Frisoike; and Hoddeflete, all which were diverted out of their right courses; by which diversions and obstructions, and the want of repairing those banks, the low grounds betwixt Thornetone, Muleburne, Cathwayt, Suth Cave, Pverthorpe, North Cave, and Barneby neer Howeden were overflowed: And in case, that they who had thus diverted and obstructed these VVater-courses, were not able to repair them again; then to distrain all such to give assistance therein, as by such reducing them to their former Chanels, and deobstruction of those

[u] Pat. 17 E. 2. p. 1. m. 17. in dorso.

[w] Pat. 17 E. 2. p. 1. m. 18. in dorso.

thoſe ſtops, ſhould receive benefit and ſafeguard.

The next year following had *Roger de Somery*, *Hugh de Pikworth*, and *Robert de Babthorpe* the like aſſignation [x], for the view and repair of thoſe banks, Ditches *&c.* on the Eaſt part of **Duſe**, betwixt **Turneheved** and **Barneby ferry**: As [y] alſo for thoſe on the VVeſt part, betwixt **Cawode** and **Ayzemyn**; and betwixt **Feribrig** and **Ayzemyn**, on the South and VVeſt part.

In the ſame year likewiſe were *Alexander de Cave*, *Thomas de Houke*, *Peter de Saltmerſh* and *Iohn de Kilvyngtone*, conſtituted [z] Commiſſioners for thoſe banks *&c.* upon the coaſts of **Humbre** and **Uſe**, betwixt the towns of **Suth Cave** and **Barneby**, neer **Howeden**, then broken and ruinous; and alſo of the VVater-courſes from **Wartre**, **Bunnom**, **Bunneby**, **Hayton**, **Beleby**, **Beveldale**, **Pyllington**, **Alvesthorp**, **Killingwyke**, **Pokelington**, **Arnethorpe**, **Wappelington**, **Thorneton**, **Helborne**, and **Cathwayt**, then obſtructed and diverted out of their right courſes; by reaſon whereof, the low grounds betwixt **Beleby**, **Suth Cave**, and **Barneby**, *viz.* **Fulne**, **Rageldyke**, **Langdyke**, **Skelflete**, **Hingbrigſtike**, **Blacktoft dam**, **Thornton dam**, **Temple dam**, **Wychelſyk**, **Helewyſgot**, **Crakeput**, and the **Wyndam** of **Bromflet Friſdyke**, were drowned. And to compell all thoſe, who had ſo diverted and ſtopt the ſaid waters, to reduce them to their antient courſes, and where need ſhould be, to make new Chanels for that purpoſe.

The like Commiſſion [a] had they for the banks *&c.* betwixt the River of **Done** and **Bykerdyke**, within the Iſle of **Axeholme** in **Lincolnſhire**.

In 5 *E.* 3. *Iohn Travers*, *Peter de Midleton*, *Peter de Saltmerſh*, and *Simon de Baldreſton* were aſſigned [b] to enquire concerning the breach of a certain Cauſey, called **Forholedyke**, made by certain malefactors in the parts of **Merſkland** in this County; by which breach, the lands of the inhabitants of thoſe parts were drowned.

In 7 *E.* 3. *VVill. de Hathelſe*, *Iohn de Clif*, and *Hugh de Bradeford* were appointed [c] to view and repair the banks *&c.* betwixt **Aermyne** and **Selby**. So likewiſe in 11 *E.* 3. were [d] *Will. Baſſet*, *Thomas de Brayton*, and *Iohn de Lacy* of **Gateforth**, for thoſe betwixt **Temple hirſt**, and **Ayzmyne**, on the North ſide of **Ayre**; as alſo upon both ſides of the River **Duſe**, betwixt **Ayzmyne** and **Selby**.

In 13 *E.* 3. the King directed his ſpecial Precept [e] to *Richard de Aldeburgh* and *Will. Baſſet*, whereby he made recital; that, whereas he had by his VVrit, under the Privy ſeal, commanded *Simon de Grimeſby*, then Guardian of his Mannor of **Buſtwyk**, that he ſhould cauſe his demeſne Lands, Meadows, and paſtures; and likewiſe the Lands of his Tenants within that Mannour, to be drayned, which had been drowned by the overflowing of water; and to make a certain trench there, whereby the water might paſſe away, and have a direct courſe, as before that time it had: And the ſaid *Simon*, together with his Free-holders and Bondmen of that Lordſhip, did, by virtue of that precept, make a trench there, in a certain place, where long before there had been one.

And the ſaid King being informed, that *Margerie*, the VVidow of *Robert de Botheby* of **Rihill**, conſpiring cunningly to ſupplant him in his right, cauſed the ſame trench, in the ſaid Kings abſence from **England**, to be ſtopt up; and his Tenants of that Mannour, who were at the making thereof, to be impleaded, by divers VVrits, as treſpaſſers to the ſaid *Margerie*; alleging that they had broken the Banks of a certain Sewer at **Rihill** aforeſaid; ſo that the water thereof, by that breach, did drown her lands, that ſhe could have no profit by them: And that certain VVrits of *Niſi prius* for to take Inquiſition upon the premiſſes, were granted to the ſaid *Richard* and *VVilliam*: by which, in caſe they ſhould be taken, or that there ſhould be ſuch proceedings therein, he the ſaid King might eaſily receive prejudice and diſheriſon; eſpecially, if thereby his ſaid Tenants ſhould be convicted of thoſe treſpaſſes; for then it would appear that he had no right to make that trench: Therefore the ſaid King, being deſirous, by all wayes he could, to prevent ſuch damage and diſheriſon; commanded the before-ſpecified *Richard* and *William*, that they ſhould wholly ſuperſede the taking

[x] Pat. 18 E. 2. p. 1. m. 23. in dorſo.

[y] Pat. 18 E. 2. p. 2. m. 36. in dorſo.

[z] Ibid. m. 8. in dorſo.

[a] Ibid. m. 10.

[b] Pat. 5 E. 3 p. 1. m. 35. in dorſo.

[c] Pat. 7 E. 3. p. 1. m. 4. in dorſo.

[d] Pat. 11 E. 3. p. 1. m. 33. in dorſo.

[e] Clauſ. 13 E. 3. p. 2. m. 21.

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of any such Inquisitions, by virtue of his said VVrit of *Nisi prius*.

In 17 *E.* 3. Sir *Thomas Ughtred*, Sir *Gerard de Useflet*, and Sir *Will. de Redneſſe* Knights, *John de Bekingham* and *John de Langeton* were assigned [f] to view the banks betwixt **Turnbrigg**, neer **Rouclif**, and the antient course of the River of **Done**, in the parts of **Merskland**: as also those upon the Rivers of **Ayre**, **Use**, and **Done**, thereabouts, which were then much broken by the flouds of fresh waters; and to take order for the repair of them.

f Pat. 17 E. 3. p. 1. m. 40. in dorso.

In the same year upon a Petition exhibited to the King in Parliament, by the Inhabitants of **Merskland**, in this County, and they of **Axholme** in **Lincolnshire**; shewing, that whereas King *Edward* the second, at the sute of them the said Inhabitants; suggesting, that the River of **Done**, which is the division betwixt the said Counties, where the course of the water had wont to be, as well for the passage of ships from the town of **Doncastre**, unto the River of **Trent**, as for the drayning of the adjacent lands, was obstructed by the Seatides; and thereupon gave Commission to *John de Donecaster*, and others, to clear the same, and reduce it to it's antient course. VVhich Commissioners did accordingly cause a trench of *xvi* foot, and one grain of Barly in bredth, to be thereupon digged at the chardge of the men of those parts, from a certain place, called **Trulleflet hill**, unto **Denmyn**; and did thereby reduce that stream into it's antient course: And that since the said trench so digg'd, there were bridges, floud-gates, and divers other obstructions, made anew in the said stream, so that it had not sufficient bredth, but that the passage of ships was hindred, and the adjacent grounds overflowed: he therefore constituted [g] *Roger de Newmarsh*, *Thomas de Levelannor*, *John de Ludington*, and *John de Redneſſe* his Commissioners, to remove those obstructions.

g Ibid.

In the same year, upon [h] information by the Inhabitants of **Rykhale**, **Skipwith**, **Eskrik**, **Stivelyngflet**, **Duffeld**, and **Bardelby**, that the banks of a certain Sewer, which passeth from the River of **Duse** unto **Rikhale**, were so low and ruinous at **Rikhale**; that, by the flowing of the **Duse**, entring that Sewer, and going over the banks thereof, divers lands and Meadows of the said Inhabitants of those places; as also a certain Road-way which goeth from **Hovden** to **Yorke**, and another which commeth from **Selby** to **Yorke**, through want of repair of those banks, and raising them higher, were many times overflowed, so that the before-specified Inhabitants, for many years past, had lost the benefit of their said lands: the King therefore assigned [i] *Will. Basset*, Sir *Will. de Redneſſe* Knight, *Robert de Haldanby*, and *John de Bekyngham*, his Commissioners, to enquire thereof, and to redresse the same.

h Pat. 17 E. 3. p. 1. m. 12. in dorso.

i Ibid.

By virtue of which Commission, they the said *Robert* and *John*, sate at **Rikhale** upon Friday, being the Feast of the *decollation* of *S. John Baptist*, in the year aboveſaid; before whom *Henry de Moreby*, and his Fellow Jurors, being impanelled and sworn, did present upon their Oaths; that there was a certain Sewer at **Rykhale**, called **Rykhaleflete**, in the land of the Bishop of **Dureſme**, and the Prebendary of the Prebend of **Rykhale**, by which the waters that descended from the Fields of **Eskrik**, **Skipwith** and **Rikhall**, fell into the River of **Duse**, and had done so time out of mind: and that the banks of the said Sewer, and those lying near thereto, upon the said River, were so low; and the same Sewer by the frequent ebbing and flowing of the **Duse**, so worn away and enlarged, in regard that the course of that River from **Rikhale** towards the Sea, was then more straightned than formerly, by banks upon the verge thereof newly made for the safeguard of the Country, in divers places; which causing it in Floud-times to rise higher than usually, did by it's entrance of that Sewer, over those banks, drown much land, meadow, wood, and pasture, belonging to the Inhabitants of **Rikhale**, **Skipwith**, **Eskrik**, and **Thurgramby**; so that they often lost their benefit of those lands, through the want of repair and raising the banks of the same Sewer; *viz.* of the Bishop of **Dureſme** his Lands, about *Lxiiij* Acres; of the Lands belonging to the Prebendary of **Rikhale**, and his Tenants, about an hundred Acres; of the land of *John de Manesergh* about *xxx* Acres;

of

of the lands belonging to the Abby of *S. Marie* in Yorke, lying in Eſcrik Park, about *Lx* Acres; of the lands pertaining to Sir *Raphe de Laſcels*, *Avice la Conſtable*, *Nicholas Damory*, the Prioreſſe of Thikheve and her Tenants, about *Cxx* Acres; of the lands of *Edmund de Averenges*, and *John de Skipwith*, about *Cxx* Acres.

And they alſo ſaid, that the Roadway, which leadeth from Howeden to Yorke, as alſo that High way from Selby to Yorke, were, by reaſon of that overflowing of the water, entring by the ſaid Sewer, ſo often drowned, that no man could paſſe them.

And that one *Will. le Mareſchall*, by reaſon of the ſaid overflowing, was drowned in that Road betwixt Seleby and Yorke, the year before; and ſo likewiſe was one *Walter Redhed*, at another time, in a place called Welebrig, overflowed in ſuch ſort by the ſaid water.

And being aſked through whoſe neglect it was, that thoſe banks were not repaired, and who ought to repair them; they anſwered, that the Prebendary of the Prebend of Rikhale, had, in times paſt, a certain Mill, which ſtood in the ſaid Sewer, in a place called Rikhaldyun, for his own private commodity, and a pool raiſed to a certain height; upon which pool was a Cauſey for the paſſage of Carts and Waines, and under that pool a Sluſe, ſix foot in bredth, for evacuation of the water deſcending from the before-ſpecified fields; by which Cauſey and Sluſe, the tides of Ouſe, coming up the ſame Sewer, and flowing over the banks thereof, entring the ſaid pool, were hindred, ſo that they could go no farther, except caſually in the time of an exceeding great floud of the ſaid River.

And they ſaid moreover, that the before-mentioned Prebendary (owners of that Mill, time out of mind) had a Mill there for their proper benefit, and kept the Mill-pool to the height above expreſt, untill that one *Bartholmew Florentyne*, Prebendary of that Prebend, in the reign of King *Edward* the firſt, deeming, that it would be more for his profit to pull down the ſaid Mill, than maintain it, demoliſhed both the Mill and the pool; ſo that the tides of Ouſe, entring the before-ſpecified Sewer, and going over the Banks, paſſing through the ſaid pool ſo demoliſhed, did in every great floud of that water, thenceforth till that time, drown the before-ſpecified lands, and the lands of many others. West Riding.

And they alſo ſaid, that there were never any other Banks nor Sluſes for defence of that water, nor was any one obliged to repair any banks there, except they whoſe lands were ſo overflowed as aforeſaid: but they ſaid, that it would be more profitable and beneficial for the Inhabitants of thoſe places, to have banks raiſed to a fitting height, and Sluſes of a certain bredth, for to keep back the tides of the ſaid River, at the entrance thereof; that is to ſay upon the banks of Ouſe, at the mouth of the ſaid Sewer, where the ſaid Biſhop of Dureſme is Lord of part of the ſoil, and the ſaid Prebendary Lord of the other part. And they ſaid moreover, that they believed, that the ſaid water of Ouſe, did enter by that Sewer, and paſſe over thoſe banks, by reaſon they were too low, to the damage of the Inhabitants of thoſe parts, through the default and neglect of the men of thoſe Towns, which had their grounds ſo overflowed & not of any other: And that all they who had lands overflowed by the flouds of that water, ought to repair thoſe banks, as alſo to raiſe them higher.

In 23 *E.* 3. Sir *Thomas Ughtred*, Sir *Gerard Ouſſlet* Knights, *Robert de Midelham*, *Robert de Haldenby*, *Thomas Proctour* of Reveneſſe, and *Will. Gatoreſt*, were [l] aſſigned to view and repair the banks upon the River of Ouſe, Done, and Ayre, in the parts of Merſkland. The next year following, *Will. de Percy*, *Brian de Thornehull*, *Raphe de Laſſel*, *Will. de Ayrmyn*, *Will. de Notton*, *Will. de Hinchden*, *Illard de Uſſlet*, and *Thomas de Egmanton* had [m] the like aſſignation for thoſe upon the Rivers of Humbre, Uſe, Derwent, Ayre, Skelflet, Langdyk, Fulne and Done, in the parts of Spaldingmore, Howedenſhire, Dearſoken and Merſkland: and in the Wapentakes of Barſton and Herthill, betwixt Uſe and Derwent. So alſo had [n] *Thomas de Ughtred*, *Robert de Pikering*, *Robert de Middelham*, *Will. de Gatereſſe*, and *Thomas Proctour* of Reveneſſe, for thoſe upon the ſtreams of Uſe, Ayre, and Oune, in the parts of Merſkland, and Oſgoutcroſſe.

l Pat. 23 E. 3. p. 3. m. 13. in dorſo.

m Pat. 24 E. 3. p. 3. m. 18. dorſo.

n Ibid.

The

West Riding. The like Commiſſion [o] in 26 E. 3. had *William Baſſet*, Sir *Miles Stapleton*, Knight, *Illard de Uſſlet* and *John de Lafingcroft*, for thoſe banks &c. on the North ſide of Ayre, betwixt Ayrmynne and Ferybrigg. So alſo the ſame year, had [p] *Thomas de Metham*, *Alan de Shutlingden* Parſon of the Church of Hemyngburgh, *John Moubray*, and *Peter de Richmund*, for thoſe upon Duſe, within the Liberties of the Biſhop of Dureſme.

[o] Par. 26 E. 3. p. 1. m. 20. in dorſo.

[p] Par. 26 E. 3. p. 3. m. 11. in dorſo.

Other Commiſſions to the like purpoſe were ſhortly after directed to others; *viz.* in 30 E. 3. to [q] *John de Moubray*, *Illard de Uſſlet*, *John de Walton*, and *John de Feriby* for the Banks &c. upon Humbre, betwixt Farflet and Paulefleet. In 31 E. 3. to [r] *Robert de Herle*, *Will. de Skipwith*, *John de Moubray*, *John Knyvet*, *Nich. Gower*, and *Thomas Levelance*, for thoſe in the VVapentakes of Straffoꝛd and Oſgodcroſſe.

[q] Par. 30 E. 3. p. 1. m. 4. in dorſo.

[r] Par. 31 E. 3. p. 1. m. 4. in dorſo.

In 33 E. 3. to [s] *John Moubray*, Sir *Marmaduke Conſtable*, Sir *Will. de Aldeburgh*, Sir *Raphe de Laſcels* Knights, and others, for thoſe upon Uſe, Derwent, Ayre, Skelflete, Langdyke, Fulne, and Done, in the parts of Spaldyngmoꝛe, Hovedenſhire, Dꝛarſoken, and Merſkland; as alſo in the VVapentakes of Barſton and Herthill; and betwixt Uſe and Derwent.

[s] Par. 33 E. 3. p. 1. m. 14. in dorſo.

In 36 E. 3. to [t] the ſame *John de Moubray*, *Thomas de Ingelby*, *William de Fyncheden*, and others, for all the laſt mentioned places.

[t] Par. 36 E. 3. p. 1. m. 15. in dorſo.

In the ſame year, there were divers Preſentments [u] made againſt thoſe who ought to repair and maintain the depth of a Goul in Houk, upon the River of Duſe, within the parts of Merſkland, through whoſe neglect the Banks were broken, to the nuſance of the King's High way, betwixt Houk and Swynflet: So alſo for [w] neglecting to repair the ſaid Banks upon Duſe, to the damage of the Road-way betwixt Uſſlete and Ayrmyn.

[u] Plac. coram Rege term. *Mich.* 36 E. 3. Rot. 33. *Ebor.*

[w] Ib. rot. 35.

Upon the pleadings [x] whereunto, the Town of Roucliff could not deny, but that it ought to repair the VVatercourſe at Langholme gote; and therefore were fined for their default.

[x] Ib. rot. 44.

In 39 E. 3. *Thomas de Ingelby*, *Miles de Stapelton*, *Illard de Uſſlete*, and others, were conſtituted [y] Commiſſioners for the view and repair of the Banks &c. on the North ſide of Ayre, betwixt Ayremin & Ferybrigg. The like Commiſſion, [z] the ſame year, had *VVill. de Skipwith*, *Rich. de Ravenſere*, Provoſt of Beverley, *Godfrey de Folejaumbe*, & others, for thoſe upon the Banks of Uſe, Ayre, and Done, in the parts of Merſkland and Oſgodcroſſe; and to proceed therein according to the Laws and Cuſtomes of this Realm: So alſo had [a] *Hugh de Haſtyngs*, *VVill. de Fyncheden*, *VVill. de Reygate*, and others, for thoſe on the North ſide of Ayre, betwixt Selby and Caſtelford bꝛigge.

[y] Par. 39 E. 3. p. 1. m. 32. in dorſo.

[z] Ib. m. 30. in dorſo.

[a] Par. 39 E. 3. p. 2. m. 12. in dorſo.

In 40 E. 3. there was a Preſentment [b] made in the VVapentake of Anesty againſt the Prior of *S. Johns* of Hieruſalem for obſtructing the watercourſe called Langedyke, in the 37th year of the ſaid Kings reign: who alleging, that there was errour therein, it came to be pleaded in the Kings Bench; where the Jurors found, that the ſaid VVatercourſe was ſtopped in the paſture of Temple Wetherby, ſo that it overflowed the Paſture and land of Thoꝛparth, and other Towns adjoyning: and that the ſaid VVatercourſe ought to be repaired and clenſed by the ſame Prior, as in right of his Mannour of Temple Wetherby; which being not done, he was amerced in xx s.

[b] Plac. apud *Weſtm.* coram Rege, term. *Hill.* 40 E. 3. rot. 26. *Ebor.*

In the ſame year, *Thomas de Ingelby*, *VVill. de Fyncheden*, *Miles de Stapelton*, *Thomas de Metham*, and others, were appointed [c] to view and repair the banks &c. on the North ſide of Ayre, betwixt Ayrmyn and Ferybrig: and to perform all things therein according to the Law and Cuſtome of this Realm. So alſo [d] were *VVill. de Fyncheden*, *Godefrey de Folejambe*, *Thomas de Bradwell*, and others, for thoſe betwixt Eyrmyn and Whitley, on the South ſide of the ſaid River. And likewiſe [e] *Thomas de Roos* of Hamlake, *Thomas de Ingelby*, *VVill. de Aton*, and others, for thoſe upon Humbre, Uſe, Derwent, Ayre, Skelflete, Landdyke, Fulne and Done, in the parts of Spaldyngmoꝛe, Hovedenſhire, Dꝛarſoken, and Merſkland, and the VVapentakes of Barſton and Herthill; and betwixt Uſe and Derwent. And the next year following, *John Moubray*, *Thomas de Ingelby*, *Henry de Barton*, and others, had the like aſſignation for the

[c] Par. 40 E. 3. p. 1. m. 30. in dorſo.

[d] [e] Ibid.

e Par. 41 E. 3. p. 1. m. 19. in dorso. f the Banks &c. betwixt the Rivers of Ayre, Ouse, and Wherfe; and to act according to the Law and Custome of this Realm.

Several other Commissions also were directed to others, for the view and repair of the same Banks, and all such as were in decay, in those parts; *viz.* in

g Ibid. the same year to g *Richard de Ravenser* Provost of Beverley, *Will. de Fyncheden*, and others, for those upon the Rivers of Use, Ayre, and Done, in the parts of Merskland and Osgodcrosse.

h Ibid. And to h *Thomas de Ingelby*, *William de Fynchedon*, *Will. de Galby*, Parson of Epworth, and others, for those in the parts of Baine and Merskland.

i Par. 43 E 3. p. 1. m. 33. in dorso. In 43 *E.* 3. to i Sir *Thomas de Metham*, Sir *Roger Lascells* Knights, *Roger de Fulthorpe*, and others, for those upon the the coasts of Humbre, Ouse, Derwent, Fulne, Langedyke, and Skelflete, within the Liberty of Howeden and Wapentake of Herthull; and betwixt the Rivers of Ouse and Derwent. In

k Par. 44 E. 3. p. 1. m. 33. in dorso. 44 *E.* 3. to k *Richard de Ravenser* Arch-Deacon of Lincolne, *Will. de Fyncheden*, *Gerard de Usflet*, and others, for those upon the Rivers of Ayre and Done, in the parts of Merskland and Osgodcrosse.

l Ibid. And in the same year to l *John de Moubray*, *Thomas de Ingelby*, *Henry de Barton*, and others, for those betwixt the said Rivers of Ayre, Ouse and Wherfe.

m Par. 49 E. 3 p. 1. m. 6. in dorso. In 49 *E.* 3. to m *Thomas de Metham*, *Will. de Mirfeld*, *Henry de Barton*, and others, for those betwixt the Rivers of Wherf, Eire, and Ouse.

n Par. 50 E. 3. p. 1. m. 30. in dorso. In 50 *E.* 3. to n *Roger de Fulthorpe*, *Will.* the Son of *Will. Skipwith*, *John de Brakenholme*, and others, for those betwixt Ouse and Derwent.

o Pat. 51 E. 3. p. 1. m. 41. in dorso. In 51 *E.* 3. to o *Richard de Ravenser* Clerk, *Roger de Fulthorpe*, *John Cunstable*, and others, for those upon Use, Ayre, and Done, in the parts of Merskland and Osgodcrosse.

p Ibid. So also to p *Roger de Fulthorpe*, *John de Aske*, *Will.* the son of *Will. Skipwith*, and others, for those betwixt Ouse, Derwent, Spaldyngmore, and Howedenshire.

To the said King *Edward* 3. succeeded his Grandson *Richard* the second; who in the second year of his reign, di-

Clauf. 2. R. 2. m. 33. recting his Precept q to *Robert de Haldanby*, wherein he recited, that his said Grandfather, considering the waste and spoil whereunto the Country of Merskland in this County, was subject to, by the inundations of Humbre, Ouse, and Trent; and that the chardge, whereat the Inhabitants thereof had been, for the defence thereof, and still ought to be, was so great through their losses, by many flouds, as that they were not able to withstand the approaching perils without help from others: and therefore, being most willing to provide for their succour, did on the twenty fourth day of *June*, in the 43th year of his reign, grant unto them, all Fines, Issues, Forfeitures, and amerciaments then adjudged by virtue of his Commission to the said *Robert* and his associates, or which might for the future be adjudged, before them the said Commissioners, then his Justices of Sewers in those parts, in their several Sessions, to be received and levyed by the hands of the Deputies for the Commonalty of that Country, towards the support of their said chardge and expence: By which Precept he commanded the said *Robert*, that he should deliver the Extracts of the said Fines, issues, forfeitures, and amerciaments, adjudged before him and his said associates, from the date of that Commission, unto the death of the said King; to the end that they might cause them to be levyed by those their Deputies, and have them according to the tenor of the same Letters Patents.

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In 4 *R.* 2. *Richard de Ravenseere* Clerk, *John de Botheby* Clerk, *Roger de Fulthorpe*, *John Constable*, *Gerard de Usflet*, *Thomas de Rednesse*, *John de Aske*, *Robert de Haldanby*, *John de Sadyngton*, *William de Swynflet*, and *Thomas de Egmanton*, were assigned r to view and repair those banks &c. upon the Rivers of Use, Eyre, and Done, in the parts of Merskland and Osgodcrosse. So also in 6 *R.* 2. were

r Par. 4 R. 2. p. 1. m. 17. in dorso.

s *Roger Fulthorpe*, *Thomas de Metham*, *John de Aske*, *Thomas de Saltmershe* and *John de Kirkeby*, for those in the parts of Howedenshire.

s Par. 6 R. 2. p. 1. m. 9. in dorso.

In the same year the Inhabitants of Merskland before-specified, and of the Isle of Axholme in Lincolnshire, by their Petition t to the said King, wherein they shewed, that whereas King *Edward* the second did at their humble sute constitute *John de Doncastre*, and others;

t Ib. m. 37. in dorso.

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his Justices to clear the River of **Done** (which is the division betwixt those Counties) aswell for the passage of ships from **Doncastre** to the River of **Trent**, as for drayning of the Lands adjacent: which said Justices, did accordingly cause the said Chanel to be digged from a place called **Crulfrethill** unto **Demmyn**, in bredth *xvi* foot and one grain of Barly, at the chardge of the said Inhabitants of those parts; and thereby reduced the same water into it's antient course: and that since the said clensing thereof, there were certain bridges, and other obstructions made therein, so that the passage of ships was again hindred: The said King therefore issued out his Commmission [u] to *Roger de Fulthorpe*, *Robert de Morton*, *Robert de Haldanby*, *Will. de Swynflete*, and *Robert Caike*, to enquire thereof, and to make such redresse therein, as should be expedient in that behalf.

u Ibid.

In 7 *R.* 2. the same *Roger de Fulthorpe*, *Stephan del Fall*, *John de Aske*, *Thomas de Saltmersh*, and *John de Kirkeby* were constituted [w] Commissioners to view and repair the Banks *&c.* in the parts of **Howedenesshire**, and Wapentake of **Herthill**, and betwixt the Rivers of **Ouse** and **Derwent**. The like Commission [x] in 12 *K.* 2. had Sir *Philip Darcy*, and Sir *Will. Fitz* Knights, *John Woderove* of **Dyanstoyn**, and *Thomas Maunsell* for those betwixt **Aymyn** and **Ferybrigg**. So also in 15 *R.* 2. had [y] Sir *John le Scrope*, Sir *Gerard de Ousflet*, Sir *Thomas de Redenesse*, *John Woderove*, and others, for those upon **Ouse**, **Ayre**, and **Done** in the parts of **Merskland** and **Digodcrosse** in this County; and to do all things therein according to the Law and Custome of this Realm. And in 17 *R.* 2. Sir *Philip Darcy* Knight, *John Wodrove*, *William Gascoigne*, *Thomas Maunsell*, and *John Nevill*, had [z] the like, for those banks *&c.* betwixt **Eymin** and **Feribrigg**, on the South part of **Eyre**, and **Botherton** and **Neweland** on the North side; with direction and power to proceed therein, according to the Law and Custome of **England**, and the Custome of **Romeney** Marsh, till that time used: As also to impreste so many Diggers and other Labourers, as they should think fit to imploy in that work; allowing them competent wages, in regard of the urgent necessity for the expediting thereof.

w Par. 7 R. 2. p. 1. m. 17. in dorso.

x Par. 12 R. 2. p. 1. m. 13. in dorso.

y Par. 17 R. 2. p. 2. m. 37. in dorso.

z Par. 17 R. 2. p. 2. m. 37. in dorso.

In 21 *R.* 2. upon a [a] sute in the Kings Bench for the clensing of a certain Sewer called **Polwike**, betwixt **Hamerton** and **Nun Monketon**, the Abbot of **Fountaines** was discharged from the making and repairing a bridge, called **Methington bigge**, lying betwixt **Methington** and **Thorpe Underwode**.

a Plac. coram Rege term. *Mich.* 21 R. 2. rot. 25 *Ebor.*

In 1 *H.* 4. upon a Commission directed to *Laurence de Allerthorpe*, then one of the Barons of the Exchequer, Sir *Thomas Metham*, Sir *Will. Chetwyn*, Sir *Gerard Ursflet* Knights, *Will. Gascoigne*, *Robert Thyrwhyt*, *Robert de Waterton*, *Hugh de Ardern*, *Will. Hundegate* and *William Lodyngton*, for the view and repair of the Banks, Ditches *&c.* betwixt the Town of **Pokelyngtone** and the Rivers of **Humbre** and **Derwent**; as also within the Wapentake of **Herthill** and liberty **Howedene**; whereby they were appointed to act according to the Law and Custome of this Realm; the said Justices sate at **Howedene** upon Thursday in *Easter* week, in the year aboveside; before whom the Jurors presented upon their Oaths, that there was a certain Watercourse, called **Poklyngton bek**, which had used to run directly .....

.....

[*Here the Record is obliterated by moisture and dust, in at least* xl *lines.*]

..... And the said *Robert* ..... ought to repair all the Watercourse of **Foulnay** aforesaid, in form aforesaid, unto the North part of **Bowgramengre**, for his Tenements in **Holme** aforesaid. And that from thence, Sir *Gerard Salveyne* Knight, was obliged to repair the said Water-course in form aforesaid, unto the water of *Peter de la Hay*, called **Botelere water**: and from the beginning of the said **Botelet watter**, the said *Peter* was to repair the same in form aforesaid, unto the water called **Mallorys water**, for his lands in **Spaldyngton**: And from the beginning of the said **Malloyswatter**, Sir *John Maulevrere* Knight, was bound to repair that whole Watercourse of **Foulney** aforesaid, in form aforesaid, unto the water of the said *Robert Constable*, for his lands also in **Spaldyngton**. And from the beginning of the water of the said *Robert Consta-*

Constable, the said *Robert* ought to repair all the said Chanel of **Foulney**, unto the water of the Prior of **Dymchy**, for his Lands in **Holme** aforesaid. And from the head of that water of the said Prior, he the said Prior to repair all the course thereof, in form aforesaid, to **Wellumbygge**, and **Spaldyngholme**: And from thence, *Joan* the Widow of *John de Aske*, for the lands which she held for term of her life, by the grant of Sir *Hugh le Despenser* Knight, in **Birsay**; the Prior of **Dymchy** for **Spaldingholme**; Sir *Robert Constable* Knight, for his Tenements in **Holme** aforesaid; Sir *Thomas Bosvyle* Knight, and *Anthony Bosvyle*, for his lands in **Birsay**; and *Peter de la Hay* for his lands in **Spaldington**, to repair the same VVatercourse of **Foulney**, towards the VVest, from the mid-stream therof for *xij* foot in bredth, unto the traverse of **Hebeldyke**

And that the Prior of **Wartre**, ought to repair the said VVater-course of **Foulney**, on the East part, from **Wellumbygge** aforesaid, towards his own Land, unto **Hebeldyke** aforesaid, for *xij* foot in bredth. And from thence Sir *Thomas Bosvyle* Knight, and *Anthony Bosvyle*, and *Joan* the VVidow of *John de Aske*, for their Tenements in **Birsay**, to repair the same, for the bredth of *xxiiij* foot, to a certain water belonging to the said *Joan*. And she the said *Joan*, to repair hers, to a place called **Fochineere**, for her lands in **Birsay**. And from thence she the said *Joan*, and they the said Sir *Thomas* and *Anthony*, for their lands in **Birsay**, to repair the same, unto the water of *Peter de la Hay*, there. And the said *Peter* to repair his water, for his lands in **Spaldyngton**, in the land of the said Sir *Thomas* and *Anthony Bosvyle*. And the said Sir *Thomas* and *Anthony*, to repair theirs, unto the water of *Will. de Waldeby*, in **Poxtington**: And the said *William* to repair the same, from the head of his water, for one Rode, towards **Metham enge**.

And they said moreover, that from thence, Sir *Thomas Metham* Knight, was bound to repair all the current of the before-specified water, to **Stokholme**, in **Birsay**; towards a Meadow called the **Hal enge**, otherwise called **Metham enge**, in respect of that Meadow; and thence to the West part of **Constable Enge**.

And that Sir *Thomas Metham* Knight, for his Tenements in **Birsay**, *Joan* the VVidow of the said *John de Aske*, for her Tenements there; and Sir *Gerard Salveyn* Knight, for his Tenements in ..... **lme**, were to repair the same in form aforesaid. **West Riding.**

And that Sir *Robert Constable* Knight, was to repair the same Chanel, towards his said Meadow, called **Constable enge**.

And they said, that the before-specified *Beatrice*, the Prior of **Wartre**, the Prior of **Ellerton**, *William VVright*, *Robert Constable*, *Isabell*, *VVill. de Thoxe*, *Richard Simolfe*, *VVill. Peresson*, *John Hastynges*, the Abbot of **Selby**, *John de Pothowe*, *John Wiltshire*, and *Blanche*; *Peter de la Hay*, *Robert de Bevere*, *Gerard Salvaine*, *John Maleverer*; the Prior of **Dymchy**; *Joan* the VVidow of *John de Aske*, *Thomas* and *Anthony Bosvyle*, *Wil. de VValdeby*, and *Thomas de Metham*, who ought to repair the said VVater-course of **Foulnaye**, ought of right to have several fishing in those places, where they or any of them did clense or maintain the same,

VVhereupon the Shireeve was required to summon the said *Beatrice*, the Prior of **Wartre**, and all the rest, above-mentioned, to answer, *&c.*

Who came accordingly, by their Attornyes; and it being demanded of them, what they had to say, why they ought not to repair the said Chanel of **Foulney**, in such sort as they had been presented: they answered, and severally said; that they could not deny; but that the same Chanel was obstructed, and not scoured in those places, in such manner and form as was presented; and that they ought to clense and repair the same: therefore they were severally amerc'd *&c.* And the said Shireeve had command to distrain them, to the end that he might be secured, that the same water-course of **Foulney** should be well repaired, as often as need did require.

And they presented moreover, that Sir *Robert Constable* Knight, then Lord of **Holme** in **Spaldyngmore**, ought to repair the whole water-course, called **Langedyke** from **Constable Enge**, unto **Whalsaye** Ditch; and that the same Chanel from **Langedyke** to **Skellete**,

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and from thence to Humbye, ought to be *xij* foot broad, and six foot deep. And that the Prior of the Hospital of *S. Johns* of Jerusalem, in England, ought to repair the said water-course of Langedyke, below Whalsaye, to Hotham Kerre, in respect of his Lordship of Whalsaye; and that the said water-course was then stopped, and not scoured. VVhereupon the Shireeve was commanded to summon the before-specified *Robert Constable* to answer *&c.* who appearing accordingly, could not deny, but that he ought to repair and maintain the said water-course; and therefore he was amerc'd.

And they likewise presented, that there was a certain watercourse, called Alderwent, descending from a place called the Bothe hill in Quelbyk, unto the land belonging to the Chapel of our Lady of Stoythwayt; and thence to a place called the Halle bank in Stoythwayt; and thence to Middilhilbrygge in Est Cottyngwithe; and thence by the space of one Rode of land in the same Town; and thence to a Close called Thom Parrok, in the same Town of Est Cottyngwithe; which Watercourse was so obstructed, that the adjacent lands, for default of clensing thereof, were drowned: And that *Robert* Abbot of Fountaines, ought and had used to repair the said VVatercourse from that place called Bothe hill, to the Halle banke: And that *Thomas* Abbot of *S. Maries in* Yorke, ought and did use to repair the same from thence, unto Middilhylbrygge: And that *will. Woderowe* of Quelbyk ought to repair the same, from thence for the space of one Rode: And that the Prioresse of Thikhed, ought to repair it, from that Rode, unto the Close, called Thom Parrok: And that the Chanel of the said watercourse, being clensed, ought to be *xiiij* foot in bredth, and six foot in depth: The Shireeve therefore had command to summon the parties above-said, to answer *&c.* who appearing accordingly, could not gainsay, but that they ought to repair the same: VVherefore they were amerc'd, and the Shireeve required to distrain them.

And they also presented, that there was a certain watercourse, called Newlandyke, in Telburne, descending from Landyk mose on the East part unto the Chanels, called Dubbeldykes, in Melburne; which said Chanels do run to a place, called Skategraves in Seton; and thence by the current of two Sewers, called the Fossedykes (running betwixt Seton on the East part, and Lathum and Folkerthorpe on the VVest) unto the River of Foulnay: and that the said Chanels were obstructed for want of scouring; as also that the lands there sowed with corn, together with the Meadows and Pastures adjacent, were overflowed, for want of repairing the same: And that the Town of Melburne ought to scour and clense the same, from Landykmose to Skategreves; and from thence, the great Ditch, unto a place, called Doveresse, on the North side: And the Town of Seton, *Alice Hay*, Lady of Lathum, the Prior of Ellerton, the Town of Lathum, *John de Pothowe*, and the Town of Folkerthorpe, to repair all those other Chanels before-mentioned; that is to say each of them for their lands, and against their lands unto the said water of Foulnay: And that the said Sewers ought to be *xij* foot in bredth, and six foot in depth from Folkethorpe bridge, unto the said water of Foulnaye. VVhereupon the Shireeve had command to summon them, to answer *&c.* who appeared *&c.* and were amerc'd *&c.* as aboveſaid.

And they likewise presented, that the VVatercourse, called Blaktoft damme, otherwise Haunsardamme, which reacheth from Foulnay to the River of Ouse, was then also obstructed, and ought to be repaired by *Richard Haunsard*, and the Town of Blaktoft, for their Lands in Blaktoft: and that the same ought to be *xvi* foot in bredth, and *viij* foot in depth. VVhereupon the Shireeve had command *&c.* as aboveſaid.

And they farther presented, that the said *Richard Haunsard* ought to repair the same Chanel from Hunsardamme to Foulnay, unto the South end of Gylberdyke; and therefore that he was amerc'd. And that the Village of Blaktoft ought to repair the same from Haunsardamme, as aboveſaid: therefore the Shireeve had command to distrain *&c.*

And the said Jurors also presented, that

that the water-course of **Langedyke**, from **Whalley** to **Skelflete**, ought to be *xij* foot in bredth, and six foot in depth; and that the same, as also the watercourse of **Ragoldyke** ought to be repaired by the towns of **Spaldyngton, Gipthorpe, Wylughtoft, Fowerthorpe, Herlithorpe, Helburne, Bubwithe, Lathum, Sitton, Everyngham, Herswell, Holme, Birlay, Bilrby, Ellrington, Portyngton, Raynyll, Birland, Dulithorpe, Hythe, Sandholme, Blaktoft, Yneflete, Cotnesse, Saltmersk, Skelton, Sandhall, Hothom, Southclyff, Northclyff**, and **Scalby**; and that the said watercourses were obstructed: wherefore the Shireeve was commanded to summon the Inhabitants of the said Towns; who appearing could not gainsay the chardge; therefore they were amerc'd, and the Shireeve commanded to distrain them for the compleat performance of all those repairs.

And they likewise presented, that the watercourse, called **Thornton damme**, which extended it self from **Langdyke** to the River of **Dule**; was obstructed, so that the adjacent grounds were thereby drowned: and that the same ought to be repaired by the Abbot of **Thorntone**, for **Thorntone house**: and also that **Thorntone damme** and .....**damme** ought to be *xvi* foot in bredth, and *viij* foot in depth: The Shireeve therefore had command to summon the said Abbot *&c.*

And they also presented, that the said Abbot was obliged to repair, clense and maintain the watercourse from **Langedyke** unto the Town of **Skalby**, and thence to the River of **Dule**; as it was before alleged: wherefore he was amerc'd; and command given to the Shireeve to distrain him by all his Lands.

And they moreover presented, that the water-course called **Temple damme**, which lately belonged to the Master of the Temple, in **England**, was obstructed, so that the lands adjacent were thereby drowned; which watercourse ought to be repaired by Sir *Stephan le Scrope* of **Washam** Knight (Lord of the Mannour of **Farflete**) from **Mikilsyke**, with the Ditches in **Helwysgote** and **Crakepitte**, to the water of **Humbre**: wherefore the Shireeve had command to summon the said Sir *Stephan*; who appearing by *Thomas de Waldeby* his Attorney, said, that he could not deny but that he ought to repair the said watercourse called **Temple damme**, from **Carbrygge**, unto the River of **Humbre**: but said, that he ought not to repair the same from **Mikilsyke**, with it's Ditches in **Helwysgote**, and **Crakepitte**, to the said bridge, called the **Carbrygge**, any otherwise than a Commoner in **Wallyng fen**; and desired that it might be enquired of by the Country *&c.* VVhereunto the Jurors said, that the said *Stephan* was not bound to repair the same watercourse from **Mikilsyke**, with the Ditches in **Helwysgote** and **Crakepitte**, unto **Carbrygge**, otherwise than a Commoner in the Marsh of **Wallyngfen**, in such sort as he the said *Stephan* had in his pleading alleged: and therefore he was dischardged thereof: but because the said watercourse from **Carbrygge** unto the River of **Humbre**, was not repaired at the time when the before-specified presentment was taken, he was amerc'd, and the Shireeve had command to distrain him. West Riding.

And the said Jurors presented, that a certain watercourse called **Parkdyke**, descending from **Haunsardamme**, Eastwards, to **Thornton damme**; and thence, betwixt **Scalby** and **Scalby grene**, unto **Temple damme**, ought to be repaired by the Town of **Blaktoft** from **Haunsardamme** to **Thornton damme**, and thence to the **Temple damme** by the Abbot of **Thorntone** and the Town of **Scalby**: And that the said watercourse was obstructed towards **Skalby** by *Henry de Kelme* and others, who threw earth into it by the command of Sir *Stephan le Scrope* of **Washam** Knight. VVherefore the Shireeve was required to summon the said Sir *Stephan* and *Henry*, to answer *&c.* VVho accordingly appeared; and said, that there then was and had been time out of mind a certain Road-way, from the Town and Mannour of **Farflete**, unto the same place where, by the above-specified presentment, the said obstruction was supposed to be, and thence unto **Hovedene** and divers other places. And they said, that the same *Henry* and others, by the ap-

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appointment of the ſaid Sir *Stephan*, did caſt earth and ſand there, for the amendment of that way; without that, that there was any antient watercourſe, deſcending, as aboveſaid, into **Temple damme**, as it was preſented; and deſired that the Country might enquire thereof. And the ſaid Jurors alſo ſaid, that there was not any common or antient watercourſe deſcending from **Thoynton damme** aforeſaid, unto **Temple damme**, as had been alleged; wherefore the ſaid Sir *Stephan* and *Henry* were diſchardged.

And the ſame Jurors likewiſe preſented, that a certain watercourſe called **Newe Derwent**, from the end of **Hovedene** Town; *viz.* from the way from **Hale** to **Dykyſmin**, was obſtructed and ought to be repaired by the Towns of **Hovedene**, **Knedelyngtone**, **Aſkylby**, **Kylpyn**, **Neuſome**, **Bzend**, **Spaldyngtone**, **Kaybill**, and **Thozpe**. VVhereupon the Shireeve had command to ſummon the Inhabitants of the ſaid Towns *&c.* whereof they of **Hovedene**, **Knedelyngtone**, **Kylpyn**, **Kaybill**, and **Thozpe**, appearing; ſeverally ſaid, that they could not deny, but that they ought to repair the ſame watercourſe in manner and form aforeſaid: therefore they were amerc'd. And the ſaid Towns of **Aſkylby**, **Neuſome**, **Bzend** and **Spaldyngtone**, ſeverally anſwered, that they ought not to repair that water-courſe, as it had been preſented; and did therefore requeſt that the Country might enquire thereof. VVhereupon the Jurors, being called, ſaid, that the before-ſpecified Towns of **Aſkylby**, **Newſome**, **Bzend**, & **Spaldingtone**, ought not to repair the ſame; and therefore they were then diſchardged.

And they moreover preſented; that a certain watercourſe, called **Ruddeflete**, deſcending from **Wallyngfen** to **Ruddeflete**; and ſo by the **Milne damme** of **Bzounflete** to **Humbze**, was obſtructed; and that *William*, then Maſter of the Hoſpital of *S. Leonard* in **Yozke**, ought to repair the ſame. And that there was a certain watercourſe, called **Hodflete**, deſcending from **Wallyngfen** to **Humbze**, which ought to be repaired by the ſaid Maſter: whereupon the Shireeve had command to ſummon the ſaid Maſter *&c.* who appearing, could not gainſay, but that he ought to repair the ſame: therefore he was amerc'd *&c.* and the ſaid Shireeve was commanded to diſtrain him.

And they alſo preſented, that there was a certain watercourſe, called **Friſdyke**, which was totally obſtructed, ſo that the adjacent grounds were thereby drowned; and that it ought to be repaired by Sir *Stephan le Scrope* of **Maſham** Knight, Lord of the Mannour of **Farflete** .....

And as touching the plaae called **Whitenge** to the River of **Humbze**; they ſaid, that the before-ſpecified Maſter of the Hoſpital of *S. Leonards* in **Yozke**, ought to repair the ſame: whereupon the Shireeve had command to ſummon him the ſaid Sir *Stephan*: who accordingly, appearing by his Attorney, anſwered, that he could not gain-ſay, but that he ought to repair the ſaid watercourſe from that place, called **Whitenge**, unto **Ormer dyke**, as it had been preſented: therefore he was amerc'd, and the Shireeve commanded to diſtrain him *&c.* And the ſaid Maſter alſo, by his Attorney, anſwered, that he could not deny, but that he once did, together with the ſaid *Stephan*, repair the ſame watercourſe, from that place called **Whitenge** unto the River of **Humbze**; that is to ſay, the ſaid Maſter the one half thereof, and the ſaid Sir *Stephan* the other half: therefore he was amerc'd *&c.*

And they laſtly preſented, that a certain watercourſe, called **Danelbyke**, through which the water of **Neuſome Park** did paſſe to **Alderwent**, near **Loſtſome**, was ſtopped, and ought to be repaired by the Town of **Newſome**; and by the Landholders in **Neuſome**, bordering upon the ſaid water-courſe: whereupon the Shireeve had command to ſummon the Inhabitants and Landholders aboveſaid: who appearing, accordingly, ſaid; that they could not deny, but that they, together with the Towns of **Loſtſome**, **Aſkylby**, and **Barnby** near **Hovedene**, ought to repair that watercourſe: therefore they were amerc'd.

In the ſame firſt year of King *H.* 4. Sir *Iohn le Scrope* Knight, Sir *Gerard de Ouſeflete* Knight, *Thomas Egmantone*, *Robert de Haldenby*

Haldenby, Richard de Nortone, Will. de Lodyngtone, and *Nich. Roſſelyn* were aſ-
b Par. 1 H. 4. p. 5. m. 13. in dorſo. ſigned [b] to view and repair the Banks and Ditches &c. upon **Duſe, Ayre**, and **Done**, in the parts of **Herſkland** and **Oſgodcroſſe** in this County: and to proceed there according to the Law and Cuſtome of this Realm.

c Par. 3 H. 4. p. 2. m. 22. in dorſo. So alſo in 3. *H.* 4. were [c] *Edmund* Duke of **Yorke**, Sir *Gerard Sothill* Knight, *Robert Tirwhyte, John Rome* Clerk, *John Gayteſford, Thomas Brunham, Will. Ludyngton, Edm. Fitz William, Thomas Sheffield*, and *Thomas Egmanton*, for the banks &c. in the Iſle of **Axholme** in **Lincolnſhire**; and betwixt the water of **Bykerſdyke**, on each ſide, in the County of **Nottingham**; and the River of **Done**, on each ſide, as well in this County as in **Lincolnſhire**, and the confines of them, from the Town of **Doncaſtre** to the River of **Trent**: and to do all things therein according to the Law and Cuſtome of this Realm. And in 8 *H.* 4. *Henry le Scrope* of **Maſham**, *William, Gaſcoigne, Alexander Metham, Thomas Bromeflete, Richard Tirwhyt, Alexander Lounde, Hugh Arderne*, and
d Par. 8 H. 4. p. 2. m. 20. in dorſo. *Wil. Roſſelyn* had the like [d] aſſignation for thoſe banks, upon the coaſts of **Humbre** and **Duſe**, from the River of **Derwent** to **Helyll**; and to proceed therein likewiſe; according to the Law and Cuſtome of this Realm.

By virtue of which Commiſſion, the ſaid *Henry le Scrope*, with his aſſociates,
e Ex bund. de Brev. & Recordis, Wallias &c. tangentibus, tem. H. 4. n. 14 *Ebo*. met [e] at **Howedene** upon Saturday next after the Feaſt of S. *Laurence*, in the year aboveſaid; before whom the Jurors of divers Wapentakes of this County, on the coaſts of **Humbre** and **Duſe**, from the River of **Derwent** to **Helill**, did preſent; that there was and had been time out of mind, a certain common Sewer, called **Aldeverwent**; which did reach in lenght, directly, from the town of **Howedene**, betwixt the marſh and town of **Knedellyngtone, Alkilby**, and **Barnetby** in **Howedenſhire** on the South part; and the land of the Tenants in **Howeden, Bernhill**, the Towns of **Newſome** and **Laſtſome** in **Spaldyngmore**, on the North part, to the River of **Derwent** towards the Weſt; and ſo by the ſaid River of **Derwent** unto the **Duſe**; which ought to be *xii* foot in bredth, and ſix in depth. VVhich ſaid Sewer the towns of **Newſome, Loſtſome, Birnd, Knedyllyngtone, Alkilby** and **Barnetby**, of right ought to cleanſe and maintain by reaſon of their Lands and Tenements lying in thoſe towns: And that the ſaid Sewer was not then repaired, through the default of the Tenants of **Newſome, Loſtſome, Birnd, Knedyllyngtone, Alkilby**, and **Barnetby** aforeſaid. Weſt Riding.

And they alſo ſaid, that the before-ſpecified Sewer, betwixt **Barnetby merſh**, on the South part of the ſame, and the land of *Thomas Haukeſworth* in **Loſtſome**, on the North part, at the head of the ſaid Sewer towards the VVeſt (neer the ſaid River of **Derwent**) had been newly obſtructed by the ſaid towns of **Newſome, Loſtſome, Birnd, Knedyllyngtone, Alkilby**, and **Barnetby**; inſomuch as the lands on each ſide the ſame Sewer, were overflowed, to the great damage of all the Country adjacent. VVhereupon the Shireeve had command to ſummon the ſaid Towns of **Newſome**, &c. who appearing accordingly, anſwered, that they could not deny, but that they ought to repair and cleanſe the ſaid Sewer; and that the ſame was not ſtopped by the making of certain Clows therein: therefore they were amerc'd.

And the Inhabitants of **Loſtſome**, for their ſaid Town of **Loſtſome**, alſo ſaid, that they could not deny, but that they, together with the towns of **Newſome, Birnd, Knedyllyngton, Alkelby** and **Barnetby**, ought to cleanſe and repair the ſame Sewer: but they ſaid that the current thereof was not ſtopped by the ſetting down of thoſe Clows, as it had been ſuppoſed; and of this they requeſted that inquiry might be made by the Country. VVhich being accordingly done, the Jurors found, that the ſaid town of **Loſtſome**, together with the towns of **Newſome, Birnd, Knedyllyngtone, Alkelby**, & **Barnetby**, had by making of thoſe Clows obſtructed the before-ſpecified Sewer: therefore the ſaid town of **Loſtſome** was amerc'd; and it was decreed by the ſaid Juſtices, that thoſe Clows ſhould be taken away, at the chardge of the Inhabitants of that place, and of the reſt before-mentioned. And the Shireeve was required to ſee the ſame accompliſht, and the Sewer repaired.

In

West Riding.

In 11 *H.* 4. *Thomas Knight* of Arkeley was attached [f] by *John Faſtolf*, who alleged that he the ſaid *Thomas* ought to repair certain Banks upon the River of Done, in reſpect of his lands in Bentley: To which the ſaid *Thomas* pleaded, that he ought not.

f Plac. coram Rege term. *M ch.* 11 H. 4 Rot. 69. *Ebor.*

In the ſame year, it appears [g] that the Abbot of Thornton was diſtrained for the repair of Thornton damme, and Hamiſter damme, which do reach from Langoyke to the River of Duſe. But the Abbot pretending errors in the judgment formerly given, required [h] that it ſhould be revoked: and ſo he did likewiſe for Blaktoft damme, *alias* Hanſardamme, which extendeth it ſelf from Fulney to the ſtream of Duſe; which Chanel Sir *Richard Hanſard* Knight, and the town of Blaktoft ought to repair.

g Ib. rot. 21.

h Ib. rot. 22. & 23.

In 13 *H.* 4. *Gerard Uſſlete*, *Will. Lodyngton*, *Richard Gaſcoigne*, *Thomas Egmantone*, *Guy Rouclyff*, *Will. Roſſelyn*, *Rob. Haldenby* and *John Garton* were [i] conſtituted Commiſſioners for the view and repair of the Banks *&c.* upon the Rivers of Duſe, Done, and Eyre, in the parts of Merſkland; and to proceed therein according to the Law and Cuſtome of the Marſh.

i Par. 13 *H.* 4. p. 1. m. 23. in dorſo.

The like Commiſſion [k] in 1 *H.* 5. had *Richard Norton*, *Will. Lodyngton*, *Peter de la Hay*, *John Dronſfeld*, *Robert Barneby*, *Will. Shirewode*, *Thomas Saynpole*, and *Nicholas Braytone*, for thoſe banks *&c.* from little Smitone to the River of Done; and to do all things therein according to the Law and Cuſtome of this Realm. So alſo in *6 H.* 5. had [l] *William Lodyngton*, *Richard Gaſcoigne*, *Guy Rouclyf*, *Guy Fairfax*, *Gerard Lodyngton*, & others, for the banks upon the ſaid Rivers of Eyre, Duſe, and Done, betwixt Turnbigg, neer Rouclyf, & the antient courſe of the ſaid River Done, in the parts of Merſkland; and to proceed therein according to the Law and Cuſtome of this Realm.

k Pat. 1 *H.* 5. p. 3. m. 44. in dorſo.

l Par. 6 *H.* 5. p. 1. m. 21. in dorſo.

In 9 *H.* 5. *Robert Tirwhit*, *John Preſton*, *John Aſke*, *Thomas Clarell*, *Peter de la Hay*, *Richard Gaſcoigne*, *Guy Rouclif*, *Guy Fayrfax*, *John Pigot*, *Robert Rudſtane*, *Thomas Banke*, and *Thomas Aungere* were appointed [m] to view and repair the Banks *&c.* upon the Rivers of Eyre, Duſe, and Done, betwixt Querkmouth, and the antient Chanel of Done, in the parts of Merſkland; and to proceed therein as aboveſaid. The like appointment, [n] in 1 *H.* 6. had *John Preſton*, *James Strangwayes*, *Richard Gaſcoigne*, *Guy Rouclyff*, *Guy Fairfax*, *John Portyngton*, *Thomas Aunger*, *William Stanſfeld* and *Will. Outhorpe*, for thoſe banks upon the coaſts of Eyre, Duſe, Done, and Went, betwixt Snayth and the antient courſe of the River of Done, in the parts of Merſland: and to proceed therein as aboveſaid. So alſo the year following [o] had *Robert Tirwhit*, *John Preſtone*, Sir *Henry Bromflet* Knight, *John Aſke*, *Peter de la Haye*, *John Ellerker*, *Guy Rouclyf*, and *John Portyngton*, for thoſe *&c.* upon Duſe, Derwent, Humbre, and Hull; within the VVapentake betwixt Duſe and Derwent, the liberty of Howdenſhire, and VVapentake of Herthill: and to do all things therein according to the Law and Cuſtome of this Realm.

m Pat. 9 *H.* 5. p. 2. m. 4. in dorſo.

n Par. 1 H. 6. p. 1. m. 30. in dorſo.

o Par. 2 *H.* 6. p. 2. m. 18. in dorſo.

In *6 H. 6. Iames Strangways*, *Thomas Fulthorpe*, *Guy Rouclyff*, *Guy Fayrfax*, *Will. Aſhowe*, *Iohn Aſke*, and *Thomas Beaulieu*, were conſtituted [p] Commiſſioners for the view and repair of the Banks *&c.* upon the Rivers of Eyre, Duſe, and Went, betwixt Snaythe, and the old Chanel of Done in Merſkland: and to act therein as aboveſaid. And in the ſame year Sir *Robert Bapthorpe*, and Sir *Henry Bromflete* Knights, *Iames Strangwayes*, *Iohn Ellerker*, *Iohn de Aſke*, *Guy Rouclyff*, and *Iohn Portington* had the like Commiſſion [q] for thoſe banks *&c.* within the liberty of Howdene, and VVapentake of Hertill; as alſo betwixt the Rivers of Uſe and Derwent: with power to make ſuch Statutes and Ordinances for the ſafeguard and preſervation of the coaſts within thoſe limits, as ſhould be neceſſary and fit, according to the Laws and Cuſtomes of Romeney Marſh: and to do all other things therein according to the Law and Cuſtome of this Realm, and the Cuſtome of Romeney Marſh aforeſaid: As alſo to impreſt ſo many Diggers, and other Labourers, upon competent wages, in reſpect of the great and urgent neceſſity to expedite the work, as they ſhould think fit to imploy therein.

p Par. 6 H. 6. p. 1. m. 6. in dorſo.

q Par. 6 H. 6. p. 2. m. 15. in dorſo.

So alſo had [r] *John Ellerker*, *Tho. de Metham*, *Thomas Clarell*, *Robert Willughby*, *Guy Rocliff*;

r Par. 10 H. 6. p. 1. m. 11. in dorſo.

Roclyff, *Richard Wynwerth*, *John Maleverer*, and *John Portyngton*, for those betwixt **Turnbrig**, and the Rivers of **Done** and **Duse**: And to make Statutes and Ordinances; and to proceed &c. as aforesaid.

f Ibid. And likewise f Sir *Will. Babyngton*, Sir *Henry Bromflete*, and Sir *Robert Bapthorpe*, Knights, *Thomas Metham* Esquire, *Guy Roclyff*, *John Portyngton* and *Will. Moston*, for those within the Wapentake of **Herthill**, and the Wapentake betwixt **Duse** and **Derwent**, and liberty of **Howedon**: and to act therein as aforesaid.

t Pat 11 H. 6. p. 1. m. 1. in dorso. So also the year following had t Sir *will. Rither* Knight, *James Strangways*, *Thomas Clarell* Esquires, *Guy Fairfax*, *John Thwaytes*, *Robert Maleverer* and *Thomas Lyndeley*, for the Banks &c. upon the Rivers of **Ayre**, **Duse**, and **Yore**; and to proceed as aboveſaid. And the like

u Pat. 13 H. 6. parte unica. m. 27 in dorso. in 13 *H. 6.* had u *John Ellerker*, *Thomas Metham*, *John Conſtable*, *John Portyngton*, *Will. Muſtone*, and *Robert Cawode*, for those in **Merſhlonde** betwixt the Rivers of **Dwese**, **Doone**, **Ayer**, and **Went**: and to proceed therein as abovementioned.

Many other Commiſſions there were to the like purpoſe; and to make Laws and Ordinances, according to the Laws and Cuſtomes of **Romeney** Marſh &c.

w Pat. 23 H. 6. p. 2. m. 25. in dorso. *viz.* in 23 *H. 6.* to w *John Portyngton ſenior*, *John Nevill*, *Guy Roclyff*, *John Portyngton junior*, *Rob. Roclyff*, *Geffrey Blakey*, and *Peter Perc*, for those Banks &c. in **Merſhlond**, betwixt the Rivers of **Dwese**, **Doone**, **Ayre**, and **Went**.

x Pat. 27 H. 6. p. 1. m. 13. in dorso. In 27 *H. 6.* to x *John Portyngtone*, *Rob. Bapthorpe* Esquires, *Guy Roclyff*, *Alexander Lound*, *will. Moſtone* and *Thomas Maners*, for those in the Wapentakes of **Yertelle**, and betwixt **Duse** and **Derwent**, and the Liberty of **Holdenſcire**.

y Pat. 30 H. 6. p. 1. m. 22. in dorso. In 30 *H. 6.* to y *John Portyngton*, Sir *Thomas Metham*, Sir *James Pykering* Knights, *Raphe Babthorpe*, *Guy Roclyff*, *Henry Thwaytes*, *John Vavaſour*, *Will. Moſton*, and *Thomas Maners*, for the ſame Banks,

z Pat. 33 H. 6. p. 1. m. 17. in dorso. &c. In 33 *H. 6.* to z *John Nevill* Esquire, *Nich. Girlyntone*, *John Vavaſoure*, *Geffrey Blakey*, and *Henry Bury* for the

a Pat. 37 H. 6. p. 1. m. 19. in dorso. ſame. So likewiſe in 37 *H. 6.* to a the ſaid *John Nevill*, *John Thwaytes*, *Rob. Drax*,

b Pat. 1 E. 4. p. 1. m. 11. in dorso. *Raphe Rereſby*, and *Richard Knight*. And in 1 *E.* 4. to b *Guy Fairfax*, *John Vavaſour*, *Rob. Shefelde*, *Edw. Saltmarſhe*, *Geffrey Blakey*, *John Haldynby*, *John Barker*, and *John Yeland*.

West Riding.

In 5 *E.* 4. to c *John* Earl of **Northumberland**, Sir *Robert Conſtable* Knight, *John Pilkyngton*, one of the Esquires for the Kings body; *John Vavaſour*, *Alexander Lounde*, *Rob. Sheffeld junior*, *Edw. Saltmerſh*, *Rob. Portyngton ſenior*, and *Leonard Knight*, for those Banks &c. in the Wapentakes of **Herthyll**, and betwixt **Duse** and **Derwent** and liberty of **Holdenſhire**.

c Pat. 5 E. 4. p. 1. m. 23. in dorso.

In 6. *E.* 4. d to the ſame Earl, *Guy Fairfax*, *John Vavaſoure*, *Rob. Sheffeld*, *Edw. Saltmerſhe*, *Rob. Portyngton ſenior*, *Geffrey Blakey*, *John Haldenby*, *John Berker* and *John Yeland*, for those in the parts of **Yerſland**, betwixt the Rivers of **Duse**, **Doone**, **Ayre**, and **Went**.

d Pat. 6 E. 4. p. 1. m. 15. in dorso.

In 49 *H.* 6. to e *John* Marqueſſe of **Montagu**, Sir *Robert Conſtable* Knight, *Guy Fairfax*, *John Vavaſour*, *Rob. Sheffelde*, *Edw. Saltmerſhe*, *Rob. Portyngtone ſenior*, *Rob. Lucas*, and *Leonard Knyght*, for those in the Wapentake of **Herthill**, and betwixt **Duse** and **Derwent**, and liberty of **Howeden ſhire**.

e Pat. 49 H. 6. Parte unica m. 9. in dorso.

In 13 *E.* 4. to f Sir *Thomas Borough* Knight, *Thomas Fitz William*, *John Haldenby*, *Richard Portyngtone*, *John Egmantone*, *Rob. Haldenby*, *Rob. Sheffeld*, *Edward Saltmerſhe*, *John Vavaſoure ſenior*, and *Thomas Belwode*, for those within the bounds of **Marſhland**, betwixt the Rivers of **Duse**, **Went**, and **Wardyke**; as alſo within the Iſle of **Axholme** in **Lincolnſhire**. In 19 *E.* 4. to *Richard* Duke of **Glouceſter**, *Henry* Earl of **Northumberland**, Sir *Robert Conſtable* Knight, Sir *Tho. Metham* Knight, *John Vavaſour ſenior*, *John Vavaſour junior*, *Rob. Sheffeld*, *Edw. Saltmerſh*, *John Aſke* Esquire, *Rob. Portyngtone* and *Leonard Knyght*, for those in the Wapentake of **Herthill**; as alſo betwixt **Duse** and **Derwent**, and liberty of **Houdenſhire**. And in 22 *E.* 4. to h the ſame Commiſſioners for all the places aboveſaid.

f Pat. 13 E. 4. p. 2. m. 20. in dorso.

g Pat. 19 E. 4. p. unica m. 22. in dorso.

h Pat. 22 E. 4. p. 1. m. 23. in dorso.

Holderneſſe.

Cap: XXIII.

NOr were the improvements of this kind leſſe antient in that part of the County lying nearer to the Sea: for in 13 *E.* 1. the King being informed, that both his own Lands, and the Lands of divers of his good ſubjects, were often drowned, for the want of repairing certain Banks in **Holderneſſe**, on which the violence of the River of **Humbre** had made ſundry breaches, aſſigned [a] *Thomas de Normanvill*, to take a view of them, and to ſee them ſpeedily amended. The like [b] Commiſſion, in 23 *E.* 1. had *Thomas de Weſton*, then Guardian of all the ſaid Kings lands in that part of this Shire. So likewiſe in 1 *E.* 2. had [c] *Miles de Stapeltone* and *Raphe Lelle*: and in [d] 2 *E.* 2. *Will. de Vaus*, and the ſaid *Raphe Lelle*.

In 4 *E.* 2. *John de Liſle*, *Thomas de Fiſheburne*, *John de Sutton*, and *Adam de Hoptune* were conſtituted [e] Commiſſioners for the view and repair of the banks *&c.* betwixt **Hull** and **Paphel**.

In 5 *E.* 2. the King being informed that the Sewer, betwixt the Port of **Hedone** and his Mannour of **Buſtwyk**, wanted cleanſing and repair; and that the chardge thereof, in regard of his Demeſnes there, belonged to himſelf, directed his ſpecial Precept [f] to *Edmund de Mauley*, then his Guardian of that Lordſhip, commanding him to take order for to ſcour and repair the ſame.

In 6 *E.* 2. *Will. de Houke*, *Alexander de Cave*, and *Robert de Sandale*, governour of the Town of **Kingſton** upon **Hull**, were aſſigned [g] to view and repair the Banks upon the coaſts of the Rivers of **Humbre** and **Hull**. So alſo, the ſame year, were [h] *Robert Tiliol*, and *Gilbert de Stapelton*, for thoſe upon the coaſt of **Humbre**, betwixt **Eſingtone** and **Hedone**. And the next year following, the ſame King directed his Precept [i] to the ſaid *Robert de Sandale*, then likewiſe governour of **Hull**, and Guardian of the ſaid Kings Mannour of **Mitone**, that he ſhould take *xl*[li]. of the Ferm of the ſame town of **Hull**, and iſſue of the Mannour of **Mitone** aforeſaid, and imploy the ſaid money, in the repair of the Banks and Ditches upon thoſe Rivers of **Humbre** and **Hull**, according to the diſcretion and view of *Richard de Gretford*, and other honeſt men of that town. And the ſame year, had *Walt. de Faucumberge* the elder, *Herbert de S. Quintin*, & *John de Barton* of **Oſwaldkirke** appointment [k] to view and repair the Banks, that were then in decay, either upon the Sea-coaſt, or coaſt of **Humbre**, within the precinct of **Holderneſſe**, in this County.

In 9 *E.* 2. *John de L'iſle*, *John de Donecaſter*, and *Robert de Sandale*, were directed [l] to view and repair the banks *&c.* for ſafeguard of the Mannour of **Mytone**, neer **Kingſton** upon **Hull**, which had forcibly and riotouſly been broken in the night time, by *Gerard de Uſeſlet*, *Rich. de Anlouby*, *Raphe de Nevill* and others; and to enquire touching that miſdemeanour. The like Commiſſion [m] in 10 *E.* 2. was directed to *Robert de Haſtang*, *Alexander de Cave* and *Robert de Hedon*, to enquire of the breach of thoſe Banks, by *Loretta* the VVidow of *John de Uſſlete*, *John* her ſon, *Gerard de Uſſlete*, and others.

In 12 *E.* 2. *Robert Conſtable* of **Burton**, *Gilbert de Riſhetone*, and *Rob. de Hetone* were aſſigned [n] to view and repair the Banks and Ditches upon the coaſt of the Sea, and water of **Humbre** in theſe parts; and in the Wapentake of **Dykering** in **Yorkſhire**.

The like appointment [o] in 1 *E.* 3. had *Robert de Conſtable*, *Robert de Hedon*, *Rob. de Burton*, and *John de Thwaits*. So alſo in 10 *E.* 3. had [p] *John Sutton* of **Holderneſſe**, *Simon de Grimeſby*, *Thomas de Burton*, and *Amand de Forthingham*.

In [q] 12 *E.* 3. *Margerie* the VVidow of *Robert de Botheby*, and the Burgeſſes of **Hedon** in **Holderneſſe**, did by divers Petitions exhibited to the King and his Council in Parliament, repreſent unto them; that, whereas by a certain Sewer, called the **Sturch**, which goeth from the Town of **Bond buſtwyk**, through the midſt of **Hedon**, unto the River of **Humbre**, and betwixt the lands of the ſaid Kings Tenants of his Mannour of **Buſtwyk**, reſiding at **Bond buſtwyk**, on the one part, and the Lands of the ſaid *Margerie*, at **Ryhill**, on the other,

a Pat. 13 E. 3. m. 28.
b Par. 23 E. 1. m. 7. in dorſo.
c Pat 1 E. 2. p. 1. m. 14.
d Pat. 2 E. 2. p. 1. m. 19.
e Pat. 4 E. 2. p. 1. m. 18. in dorſo.
f Clauſ. 5. E. 2. m. 9.
g Par. 6 E. 2. p. 2. m. 4. in dorſo.
h Pat. 6 E. 2. p. 1. m. 7. in dorſo.
i Clauſ. 7 E. 2. m. 16.
k Pat. 7 E. 2. p. 2. in dorſo m. 23.
l Pat. 9 E. 2. p. 1. m. 27. in dorſo.
m Pat. 10 E. 2. in dorſo m. 12.
n Pat. 12 E. 2. p. 2. m. 4. in dorſo.
o Pat. 1 E. 3. p. 2. m. 12. in dorſo.
p Par. 10 E. 3. p. 2. m. 22. in dorſo.
q Pat. 12 E. 3. p. 1. m. 35. in dorſo.

ther; all the said lands, on both sides, had been drayned time out of mind, and not by any other Sewer: And that by pretence of a certain Mandate from the said King, under his privy Seal, obtained at the sute of some of his said Tenants, threatning to oppresse the said *Margerie*, and alleging that the course thereof had been newly diverted by her, out of it's antient Chanel: which Mandate being directed unto *Simon de Grimesby*, the said Kings Steward there, requiring him to reduce the same into it's old course, divers trenches were made upon the banks thereof, in the grounds of her the said *Margerie*, at **Ryhill**, through which it extended, in several places, where no current of water had ever been till that time, by a number of armed people in those parts; insomuch as the Lands and Meadows of her the said *Margerie*, which lay neer to that Sewer, were totally overflowed by the tides of **Humbre**; and aswell she the said *Margerie*, in danger to lose the whole profit of her said Lands and Meadows, as those Burgesses, who held the said Town of **Hedon** of the King, by a certain yearly Ferm, and for their better paying thereof, used to receive much Commodity by Boats and other Vessels, that had wont to be carryed to that Town by the water of the said Sewer; which by the making of those trenches was then dryed up. The King therefore, for remedy thereof, gave Commission [r] to *John de Stonore*, *John de Molyns*, *Robert Parnyng* and *Hugh de Berwyk*, to view the same, and to rectifie what was amisse therein.

[r] Ibid.

In 14 *E.* 3. *Raphe de Bulmere*, *John de Sutton*, *John de Meux*, *Thomas de Burton*, and *Thomas de Cayton*, were assigned [s] to view and repair the Banks *&c.* upon the coast of **Humbre**, in the Towns of **Frismersh**, **Tharlesthorpe**, **Rayngham**, **Ryel**, **Burton**, **Pidse**, and **Halsham**.

[s] Pat. 14 E. 3. p. 1. m. 17. in dorso.

The like assignation in 16 *E.* 3. had [t] *Robert de Hilton*, *Will. L'engleys*, *John le Constable* of **Halsham**, and *Walter de Waldegrave*, for those in the Towns of **Patrington**, **Frisemersh**, **Tharlesthorpe**, **Otrygham**, **Weynesfede**, **Frothingham**, **Newsum**, **Rymmeswell**, **Outhorne**, **Wythornes**, **Redmayr**, **Holaym**, **Risum**, **Holmton**, **Thorpe** juxta **Wellewyk**, and **Penysthorpe**. So also had [u] *Herbert de S. Quintin*, *Richard de Ros*, *John de Sourdenhale*, and *Robert de Wythornwyk*, for those from **Lamwath** bridge Northwards, within this liberty of **Holderneſſe**.

[t] Pat. 16 E. 3. p. 1. m. 29. in dorso.

[u] Pat. 16 E. 3. p. 2. m. 34. in dorso.

Holderneſſe.

The chardge in supporting of which Banks and Sewers, was such, that the Inhabitants of **Frismerk** finding it very burthensome, did in 18 *E.* 3. by Petition [w] to the King and his Counsel in Parliament exhibited, complained; that their lands were often overflowed by the tides of **Humbre**; and that they had been at a constant and very great chardge for the safeguard of them, so that they could not pay such taxes and impositions as they had done, being lesse able to maintain their said Banks for preservation of their Town, than formerly: and therefore humbly besought him; that, taking the premisses into consideration, he would command, that the *Fifteen* then granted to him in Parliament by the Commonalty of this Realm, for two years ensuing; as also all other Assessments for the future, might be rated according to the value of the goods and Catalls, which they then had in that Town. VVhereupon the King, compassionating their condition, assigned [x] *Michael de Wathe*, *John de Constable* of **Hatham**, *Robert de Sprotle* Clerk, and *John Sturmy* his Commissioners to enquire thereof.

[w] [x] Par. 18 E. 3. p. 2. m. 26. in dorso.

VVho did accordingly; and certified, [y] that the said lands were very often overflowed by the before-specified River of **Humbre**, as also that the third part thereof were totally destroyed and consumed by the tides; and that the said Inhabitants had often been at inestimable costs for the safeguard of that their town, and must still be: the King therefore deeming it not consonant to right, that they should be unduly chardged in any *Tenths*, *Fifteens*, or other Assessments, for their lands so wasted and destroyed; directed his Precept [z] to the Assessors and Collectors of the *Tenth* and *Fifteen*, granted to him by the said Commonalty of this Realm in that Parliament beforespecified; requiring them, that having farther information touching the value of the movables which they then had in that town, they should assesse them accordingly; and supersede the collection thereof according to the tax of the old *Fifteen*.

[y] [z] Clauſ. 18 E. 3. p. 2. m. 2.

Holderneſſe.

By virtue of which Precept the ſaid Inhabitants of **Friſmerk**, being aſſeſſed [a] at *xxvi*ˢ. *viij*ᵈ. *per annum*, for each of the ſaid two years; the King ſent his Mandate [b] to the Barons of his Exchequer; requiring them, that in that *Fifteen*, nor the like for the future to be granted, they ſhould not be rated at any greater ſumm.

a b Clauſ. 20 E. 3. p. 2. m. 9.

The like [c] Mandate was alſo directed to the Collectors of VVools, for the **Eſt-Rithing** of this County, for a proportionable abatement to the Inhabitants of the ſaid Town of **Friſmerk**, upon the ſame conſiderations.

c Clauſ. 21 E. 3. p. 2. m. 14. & Clauſ. 22 E. 3.

In 26 *E.* 3. *Thomas Metham*, *William Playce*, and *Henry Greyſtoke* were conſtituted [d] Commiſſioners for to ſet up certain metes and bound-marks in the Kings Marſhes and Fiſhings, within the parts of **Holderneſſe**, in the preſence, and with the advice of honeſt and truſty perſons of the Country; ſo that the ſaid King and others might have full knowledge of their ſeverals in thoſe Marſhes and Fiſhings. In the ſame year *John Sutton* of **Holderneſſe**, *Thomas de Seton*, *Will. de Skipwith*, and *John de Wilton* were appointed [e] to view the Banks *&c.* upon the coaſt of **Humbre**, betwixt the Towns of **Heſele** and **Ravenſere**; as alſo upon the coaſt of **Hull**, betwixt **Beverley** and **Kingſton** upon **Hull**. So alſo were [f] Sir *Robert de Hilton* Knight, *Illard de Uſſlete*, *John de Bilton*, *Peter de Grymeſby*, and *will. de Hoton*, for thoſe within the Precincts of **Holderneſſe** and **Ravenſere**, unto **Wiſtede** in this County.

d Pat. 26 E. 3. p. 1. m. 20.

e Ibid. m. 20. in dorſo.

f Ibid.

In 30 *E.* 3. the King being informed [g], that the tides in the Rivers of **Humbre** and **Hull** did then flow higher by four foot, than they had wont to do; by reaſon whereof the common Road-way leading from the Town of **Anlaby** to **Kingſton** upon **Hull**, as alſo the lands and Paſtures lying betwixt both thoſe places, and the Town of **Heſell**, were overflowed and conſumed: And being alſo advertiſed, that it would be neceſſary, that the antient Ditch which had extended from the ſaid Town of **Anlaby** to **Anlaby ker**, ſhould be new cleanſed and enlarged for the ſpace of twelve foot in bredth: and that from thence a new Ditch of *xxiiij* foot in bredth ſhould be made; extending to the Paſture of **Hilton** (neer unto the ſaid Town of **Kingſton** upon **Hull**) and ſo through the midſt of that Paſture, unto the ſame town of **Kingſton**; by which Ditches the ſaid waters at every tide might paſſe to and fro: And that the ſaid way ought to be raiſed much higher; the ſaid King by his Letters [h] Patents, bearing date the tenth of *May*, in the year aboveſaid, aſſigned *Thomas Ughtred*, *Gilbert Chaſteleyn*, *Will. de Skipwith*, *Thomas de Ingelby*, *John de Bentele*, and *John de Wilton*, to cauſe the premiſſes to be effected.

g h Pat. 30 E. 3 p. 1. m. 6. in dorſo.

How long the tides, upon this coaſt, kept their courſe ſo much higher than they had formerly done, I am not able to ſay; but 'tis like that they did ſo for no ſhort time after; there being ſcarce a year in the ſucceeding part of this Kings reign, that one or more Commiſſions were not iſſued out for repair of the Banks in ſome place or other upon this great River. For in 31 *E.* 3. *Robert de Hilton*, *John de Faucoberge* and *John de Wilton* were aſſigned [i] to take care of thoſe at **Kayngham flete**, then torn and broken by the violence of the VVaves. The like Commiſſions were directed as followeth, *viz.* in 33 *E.* 3. to [k] *John de Botheby*, *John de Faucomberge*, *will. Fililod*, and others, for all the Banks *&c.* upon the coaſt of **Humbre** in theſe parts of **Holderneſſe**: So alſo to [l] *John de Monceaux*, *John de Boutheby*, *John Sturmy* and *Peter de Grymeſby*, for the ſame Banks *&c.* and thoſe in the VVapentake of **Dykering**.

i Pat. 31 E 3. p. 2. m. 18. in dorſo.

k Pat. 33 E. 3. p. 1. m. 14. in dorſo.

l Ibid.

In 34 *E.* 3. to [m] Sir *Thomas de Meaux* and Sir *John Monceaux* Knights, *John de Botheby* Clerk, and others, for thoſe from **Hull bigge** to **Ravenſere**. And likewiſe to [n] *Nich. Damory*, *Will. de Skipwith*, and *VVill. Rys* for thoſe throughout both the VVapentakes of **Holderneſſe** and **Dykering**.

m Pat. 34 E. 3 p. 1. m. 17. in dorſo.

n Pat. 34 E. 3. p. 2. m. 3. in dorſo.

In 36 *E.* 3. to [o] *VVill. de Skipwith*, *Thomas Tirel*, Sir *John de Meaux* Knight, and others, for thoſe from **Hullbrigge** to **Ravenſere**.

o Pat. 36 E. 3. p. 1. m. 15. in dorſo.

In 38 *E.* 3. to [p] *Thomas Tyrell*, *VVill. Eſtfeld*, *Thomas VVythornwyk*, and *VVill. de Hoton*. In 39 *E.* 3. to [q] *VVilliam de Skipwith*, *Richard de Ravenſere*, and others, for thoſe betwixt a place called the **Stelle** of **Sudcote** and the town of **Kingſton** upon **Hull**; through the breaches whereof, the lands and meadows

p Pat. 38 E. 3. p. 1. m. 35. in dorſo.

q Pat. 39 E. 3. p. 1. m. 25. in dorſo.

dows adjacent were much overflowed.

r Par. 40 E. 3. p. 1. m. 22. in dorſo. In 40 *E.* 3. to r *John de Bentele*, *Will. de Eſtfeld*, *John de Wandeſford* the elder, *Thomas de Wythornwyk*, and *will. de Hoton*, for thoſe throughout the whole Eſt Rything of this County.

ſ Par. 41 E. 3. p. 1. m. 19. in dorſo. In 41 *E.* 3. to ſ *Thomas Tyrell*, *Robert Twyer*, *will. de Eſtfeld*, *John de Wilton*, and others, for all thoſe throughout the whole liberty of Holderneſſe. The like

t Par. 42 E. 3. p. 2. m. 15. in dorſo. in 42 *E.* 3. to t *Thomas de Ingelby*, *will. de Fyncheden*, *Roger de Kirketon* and others.

u Par. 43 E. 3. p. 1. m. 34. in dorſo. So alſo in 43 *E.* 3. to u *Will. de Fyncheden*, *Simon de Heſlarton*, *John de Eſtbury*, *Roger de Fulthorp*, and *Will. de Eſtfeld*.

In 47 *E.* 3. the Abbot of Meaux having been preſented w for not cleanſing and repairing the Ditches and Sewers in theſe parts; *viz.* Lambwath, Munkedike, Holdike, and others; pleaded x, that divers towns and perſons, whom he there nameth, ought to contribute, with him, thereto, and that he alone was not bound to undergo that chardge: but the Kings Attorney replyed, that he alone ought to do it: therefore a Jury was ſummoned.

w Plac. coram Rege term. Mich. 47 E. 3. rot. 16. Ebor.
x

In the ſame year Sir *Simon de Heſelardton* Knight, *Roger de Fulthorp*, *Thomas de Beverlee*, and *Walter de Ruddeſtone* were

y Par. 47 E. 3. p. 1. m. 8. in dorſo. appointed y to view and repair the Banks *&c.* in the Towns of Lokyngton, Watton, Scozburgh, Kilingwyk, and Beſewyk; which, by the deſcent of the freſh waters from the Wolds into the River of Hull, were broken. And in 49 *E.* 3. *Roger de Fulthorp*, Sir *Thomas Tyrell* and Sir *Thomas Sutton* Knights, with others,

z Par. 49 E. 3. p. 1. m. 1. in dorſo. had the like appointment z for thoſe betwixt Cammerington Well, neer Bonne Buſſewyke, unto Hedon, and thence to Pauleſete, upon Humbre directly on each ſide.

In 51 *E.* 3. *Peter Hildyard* commenced a ſute a againſt the Abbot of Meaux, for not cleanſing of a certain Ditch, called Munkedyke, at Arnold and Riſtone, by reaſon whereof his Meadows and Paſtures were drowned. Whereunto the Abbot anſwered b, that he had ſufficiently ſcoured the ſame; but that the ſaid *Peter* and his Tenants, for their better paſſage with Carriages, did fill up the ſaid Ditch with Timber, Hay, Straw and Dung, ſo that the water was thereby obſtructed in it's paſſage: a Jury therefore were ſummoned *&c.*

a Plac. coram Rege term. Paſc. 51 E. 3. rot. 49 Ebor.
b

Holderneſſe.

In 2 *R.* 3. *Will. Skipwith*, *Roger de Fulthorpe*, *John Conſtable* of Halſham, *Robert de Hilton*, *John de S. Quintin*, *Robert de Pleſyngton*, and *Will. de Holme*, were conſtituted c Commiſſioners for the view and repair of the Banks *&c.* throughout the whole precinct of Holderneſſe.

c Par. 2 R. 2. p. 2. m. 32. in dorſo.

In 8 *R.* 2. the ſame *Will. de Skipwith*, with *Will. de Burgh*, *John de Lokton*, *Walter Froſt* and *will. de Holme*, had the like aſſignation d for thoſe betwixt Kinglion upon Hule, and the Towns of Heſil and Anlaby. So alſo in 10 *R.* 2. had e Sir *John de S. Quintin* Knight, *John de Lokton*, *will. de Holme*, *Robert Sturemy*, *Hugh de Arderne*, and *William Hundegate*, for thoſe upon the River of Hull and parts adjacent, from the towns of Killingwyk, Scozburgh, Watton, Beſewyk, Lokyngton and Rotſee, to the Towns of Ake, Eſke, Erughome, and the Mannour of Berghe.

d Par. 8 R. 2. p. 2. m. 35. in dorſo.

e Par. 10 R. 2. p. 2. m. 2. in dorſo.

In the ſame year, the King having received information f, that there was a certain Ditch at Roſſe and Burton-Pydele, newly made, whereby divers Brooks were hindred of their antient courſe, and the rain deſcending therein-to, overflowed the Queens lands and meadows at Burton aforeſaid, and in other places; he aſſigned g Sir *John Conſtable* and Sir *John de S. Quintin* Knights, *John Frankiſh*, *Rob. Sturmy* and *John Redeneſſe* to enquire thereof *&c.*

f Par. 10 R. 2. p. 2. m. 3.

g Ibid.

In 11 *R.* 2. Sir *Peter de Bukton*, and *John de Thornholme*, together with the ſaid Sir *John de S. Quintin*, and others, were appointed h to view and repair the Banks *&c.* from the ſaid towns of Kyllyngwike, Scozburgh, Watton, Beſewyke, Lokyngton, and Rotſee, to Eſke, Erughome and the ſaid Mannour of Bergh. In 13 *R.* 2. Sir *John Conſtable*, Sir *John Kentwode*, and Sir *Robert Pleſſynton* Knights, *Thomas Claymond*, and *John Frankyſh*, were i aſſigned to view and repair all the banks *&c.* in theſe parts of Holderneſſe. The like aſſignation k in 17 *R.* 2. had Sir *John Conſtable* of Halſham Knight, *William Gaſcoigne*, *John Wodrof*, *William Holme*, *Will. Hundegate*, and *Hugh Arderne*. So alſo in 18 *R.* 2. had l Sir *Robert de Hilton*, Sir *John Conſtable of* Halſham, and Sir *Robert Twyer* Knights, *John Markham*, *Will.*

h Par. 11 R. 2. p. 2. m. 13. in dorſo.

i Par. 13 R. 2. p. 1. m. 34. in dorſo.

k Par. 17 R. 2. p. 2. m. 37. in dorſo.

l Par. 18 R. 2. p. 1. m. 19. in dorſo.

...Wil-
...
...

VVill. de Holme, *Robert Tirwhit*, and *John de Rednes*; with direction to proceed therein according to the Law and Cuſtome of this Realm.

[l] Pat. 19 R. 2. p. 2. m. 5. in cedul.

And [m] in 19 *R.* 2. Sir *Robert Nevill*, Sir *John de Routhe* Knights, *Peter de Nuthill*, *James de Hotone*, *Rob. Tirwhit*, *VVill. de Nafreton*, *Hugh de Ardern*, *John de Redneſſe*, and *VVill. Skyerne* for thoſe at **Tyktone**.

In 20 *R.* 2. Sir *Stephan le Scrope* of **Maſham**, Sir *Robert Nevill*, Sir *John de Routh*, *Robert. de Garton* Clerk, *Peter de Nuthill*, *James de Hoton*, *Rob. Tirwhyt*, *VVill. de Naſredon*, *Hugh de Ardern*, and *John de Redeneſſe*, were conſtituted [n] Commiſſioners for the view and repair of all thoſe within this liberty of **Holderneſſe**; with appointment to act therein according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romeney** marſh. The like Commiſſion [o] in 1 *H.* 4. had Sir *Robert Hilton*, and Sir *Gerard uſſlete* Knights, *VVill. Gaſcoigne*, *Rob. Tirwhyt*, *Rich. Beverley* and *John Redneſſe*; and to do all things therein according to the Law and Cuſtome of this Realm. So alſo had [p] *Laurence de Alterthorp* Clerk, *VVill. Gaſcoigne*, *Rob. Tirwhit*, *VVill. Neweſome*, *VVill. Hundgate*, *Richard de Beverley*, and *VVill. VVandeſforde*, for thoſe upon the River of **Hull** and parts adjacent, from the towns of **Etton**, **Lokyngtone**, **Scozburghe**, **Ake**, and **Berghe**; to **Beſwyke**, **Wattone**, **Hotone**, **Crauntewyke**, and **Skerene**.

[n] Pat. 20 R. 2. p. 1. m. 12. in cedul.

[o] Pat. 1 H. 4. p. 5. m. 13. in cedul.

[p] Pat. 1 H. 4. p. 7. m. 1. in cedul.

Upon a pleading in the Kings Bench 2 *H.* 4. it was adjudged [q], that the Chantry Prieſt of **Preſton** ought to repair and cleanſe a Ditch, called **Skyrthdyke** from **Levergote** unto **Hedon**, and from **Harphoc** to **Northoc**: And that the Towns of **Buſtwyke** and **Skeklings** ought to do the like, from **Buſtwyke**, **Hallebridge**, to **Middle gar**; and the Town of **Ryell**, from **Cambertonwell**, to **Stoke holney land**: the Shireeve therefore had command to diſtrain them.

[q] Plac. coram Rege tent. Paſch. 2 H. 4. rot. 17 Ebor.

In 3 *H.* 4. there was an Inquiſition taken, [r] by virtue of a VVrit of *Ad quod Dampnum*, touching a Sewer in thoſe parts; upon which the Jurors preſented; that it would be no damage to the King, or any other, if a new Ditch, by the name of a Sewer were made in the Meadows and Paſtures of **Anlaby**, *xij* foot in bredth, and *v* foot in depth, meaſured according to the Kings Ell; and in length from a certain VVell, called **Julians Welle**, ſituate in the ſaid meadows and Paſtures of **Anlaby**, to the **Waldkerr** of **Swanland**; and ſo deſcending from the ſaid **Waldkerr**, according to the length, depth and bredth aforeſaid, unto **Miton Kerdyke**; and thence, by **Miton Kerdike**, on the North ſide the paſture of **Miton kerr**, to a certain Ditch then newly made, neer to the Road-way, which leadeth from the ſaid Town of **Kyngeſton**, towards **Beverley**, in length, deſcending to the Ditch, called the **Town dyke**, under the VValls of **Kingſton** upon **Hull**; and thence, by a ſufficient Chanel to the Gate of that Town: And that a ſubſtantial ſtop ſhould be there made, to keep back the ſalt water, at the end of a certain Ditch, lying betwixt the paſture of **Swanland**, called the **Wald-kerr**, and the paſture called **Miton kerr**; as alſo other ſtops to be afterwards made, whereſoever the Mayor, Bayliffs and Commonalty of the ſaid Town ſhould think neceſſary, for the preſervation of the freſh water, and keeping back any ſalt water from thence, for ever: And that all ſuch ſtops, ſo made, or to be made, to be made and repaired by the ſaid Mayor, Bayliffs, and Commonality, at their own proper chardges, without any cavill, moleſtation or impediment for ever.

[r] Eſc. *Aliquod Dampnum* 3 H. 4. n. 14. Ebor.

By which ſaid Sewer ſo to be made anew, and thenceforth called **Julian dyke**, all the current of freſh water, both from the ſaid ſpring called **Julian well**, as of all other currents of VVells in **Dernyngham Enges** in **Anlaby**; together with the current of a certain Ditch betwixt **Dernyngham Enges** aforeſaid, and the North **kerr** of **Anlaby**; as alſo the currents of two ſprings in **Anlaby** and **Hautempyis**; one in the Ditch ſometime of *Peter de Anlaby*, in **Anlaby**, deſcending thence unto the ſaid Ditch called **Julian dyke**; and of another ſpring in the field of **Hautempyis**, in the **North weſt Enges** (deſcending thence by divers Chanels unto the ſaid Ditch called **Julian dyke**) to have their courſe in the ſaid Ditch, called **Julian dyke** as aboveſaid, without any diverſion or impediments of the ſaid currents to be made for ever, contray to the form and

and tenor of the premiſſes, for the ſupport, maintenance and relief of the Town of **Kingſton** upon **Hull** before-ſpecified.

In 7 *H.* 4. Sir *Peter de Bucton* Knight, *Will. Gaſcoigne*, Sir *Alexander Metham* Knight, *Robert Tirwhit*, *John Radeneſſe*, *Will. Skerne*, *Richard Tirwhit*, and *William Waldby* were aſſigned [f] to view and repair the Banks *&c.* in theſe parts of **Holderneſſe**; and to do all things therein, according to the Law and Cuſtome of this Realm, and the Cuſtome of the **Eſt Rything** of this Country before that time uſed.

[f] Pat. 7 H. 4. p. 2. m. 15. in dorſo.

Upon a ſute in the Kings bench 13 *H.* 4. the Jurors preſented [t], upon Oath, that there was a certain Water-courſe, which came from the **Springhead** in the fields of **Anlaby**, by **Warlingham-dyke**, unto the Town of **Kingſton** upon **Hull**, ſo ſtopped at the gate of that Town, towards **Anlaby**, that it overflowed the Meadows and Paſtures of *Gerard de Uſſlet*, and of the Towns of **Anlaby**, **Swanland**, **Hetil** and **Feriby**, to the common damage of all thoſe Villages: which Watercourſe ought to be ſcoured by the Town of **Kingſton** upon **Hull**, but was not. Howbeit in this there was no judgement then given, in regard that the Townſmen of **Kingſton** upon **Hull** pleaded [u] again in *Michaelmaſſe* Term 1 *H.* 5. by reaſon of the former Kings death.

[t] Plac. coram Rege term. *Hill.* 13 *H.* 4. rot. 20 *Ebor.*

[u] Plac. coram Rege term. *Mich.* 1 *H.* 5. rot. 19.

In 5 *H.* 5. *Robert Tirwhit*, *Peter del Hay*, *John Ellerker*, *Will. Waldeby*, *John Holme*, *John Diſnay*, *Chriſtopher Boynton*, *Robert Rudſtane*, and the Shireeve of **Yorkeſhire** were appointed [w] to view and repair the banks then in decay, throughout the whole **Eſt Rithing** of this Country: and to proceed therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

[w] Pat. 5 H 5. parte unica m. 34. in dorſo.

The like appointment [x], in 5 *H.* 6. had Sir *John Scrope*, Sir *Robert Babthorpe*, Sir *Thomas Brounflete*, and Sir *Henry Brounflete* Knights, *John Ellerker*, and others. So alſo in 11 *H.* 6. had [y] Sir *Rob. Babthorpe* and Sir *Rich. Haſtyngs* Knights, *John Ellerker*, *John Conſtabill of* **Halſham** Eſquire, *John Holme ſenior*, *John Portyngton*, *Robert Rudſtane* and *VVill. Muſton*: with direction to do all things therein, according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romeney** marſh: As alſo to impreſt ſo many Labourers, upon competent wages, to be imployed in that work, as ſhould be neceſſary for the ſame; conſidering the great and urgent neceſſity in expediting therof, for prevention of farther damage.

[x] Pat. 5 H. 6. p. 2. m. 14. in dorſo.

[y] Pat. 11 H. 6. p. 1. m. 1. in dorſo.

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Other ſuch general Commiſſions for the ſaid **Eſt Rything** had [z] theſe perſons hereafter named; *viz.* in 13 *H.* 6. the ſame Sir *Rob. Babthorpe* and his aſſociates. In 14 *H.* 6. Sir *Rich. Haſtyngs* Kt. [a], *John Conſtable* of **Halſham**, *John Ellerker*, *Rob. Hatfield*, *John Portyngton*, *John Holme ſenior*, *Robert Rudſtane*, and *Thomas Wylton*. And [b] in the ſame year, the ſaid Sir *Robert Babthorpe*, *John Ellerker*, *Raphe Babthorp* Eſquire, *Guy Roclyff*, *John Portyngton*, *Robert Rudſtone*, *VVill. Muſtone*, and *Alexander Lounde*.

[z] Pat. 13 H. 6. parte unica m. 27. in dorſo.

[a] Pat. 14 H. 6. p. 18. m. 1. in dorſo.

[b] Ibid.

In 18 of this Kings reign, Sir *John Conſtable* Knight, *John Portyngtone*, *Robert Hatfield*, and *Thomas VVilton*, being conſtituted Commiſſioners for the repair of the banks *&c.* within the liberty of **Holderneſſe**, and the VVapentakes of **Bokeres** and **Dykering**, ſate at **Tikton**, upon Friday next after the Feaſt of the *Exaltation* of the *Holy Croſſe*: before whom the Jurors preſented [c], that there was a certain common Sewer in **Horneſe**, extending in length from **Horneſemare** to the Sea: and over it a bridge for foot and Horſemen, at the Eaſt end of **Horneſe**: which bridge ought to be in bredth ſix foot, and in length ten, and repaired, whenſoever need ſhould be, by the Abbot and Covent of *S. Maries* in **Yorke**, as it had been time out of mind, it being at that time in decay, to the great damage of the ſaid Kings Liege people. VVhereupon the Shireeve having command to impanel a Jury, to enquire *&c.* he did accordingly. VVho appearing, ſaid upon their Oaths, that there was not then, nor ever had been any ſuch common Sewer in **Horneſe**, as was preſented; and therefore, that the ſaid Abbot and Covent, neither did, nor had uſed to repair any ſuch bridge over the ſame. But they ſaid, that the ſaid Town of **Horneſe** had wont to repair a certain bridge there, of one foot in bredth, for foot folk, for their own proper uſe: and therefore the ſaid Abbot and Covent was diſchardged.

[c] Ex bund. de Brev. & Recordis, Wallias *&c.* tangentibus, de rem. *H.* 6. n. 20.

In 23 *H.* 6. *John Portyngton*, Sir *John Conſtable*, *VValt. Gryffith*, *Robert Hatfield*, *Rob.*

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Rob. Rudſtone, and *Thomas VViltone* were aſſigned [d] to view and repair the banks *&c.* within this liberty of **Holderneſſe**; and the Wapentakes of **Bokrey**, **Dykeryng**, and **Herthill**, in the **Eſt Rything** of this County: And to make Laws and Ordinances therein according to the Laws and Cuſtomes of **Romeney** marſh. The like [e] aſſignation in 24 *H.* 6. had Sir *John Conſtable* Knight, *Rob. Hattefield*, *Alexander Lounde*, *Rog. Rodeſtone*, *Henry Thwaytes*, *Thomas VVilton* and *John VVencelagh*; and to proceed therein as aforeſaid. So [f] alſo in 28 *H.* 6. had Sir *John Melton* Knight, *John Conſtable* of **Halſham** Eſquire, *Rob. Hatfield*, *Alexander Lound*, *Henry Thwaytes*, and the reſt.

d Pat. 23 H. 6. p. 2. m. 25. in dorſo.

e Pat. 24 H 6. p. 2. m. 20. in dorſo.

f Pat. 28 H. 6. p. 1. m. 4. in dorſo.

In 33 *H.* 6. *Robert Aunſell*, Mayor of the Town of **Kyngſton** upon **Hull**, *Hugh Clyderowe*, *John Hayrnſon*, and others, were conſtituted [g] Commiſſioners for the view and repair of thoſe banks *&c.* from **Dypole** in **Holderneſſe** to **Elytone**; and to act as aforeſaid. The like Commiſſion in 37 *H.* 6. had Sir *John Melton* Knight, *John Conſtable* of **Halſham** Eſquire, *Rob. Hattefield*, *Alexander Lounde*, *Henry Thwaytes*, *Guy Fairfax*, *VVill. Eland*, and *Thomas VViltone*, for all thoſe within the liberty of **Holderneſſe**, and in the VVapentakes of **Harthill**, **Dykering**, and **Bukroſs**; *viz.* on the Eaſt part of the way, which leadeth from **Helyll** to **Bayntone**; thence to **Driffelde**; thence to **Bridyngton**, adjoyning to the ſaid liberty of **Holderneſſe**. And in 4 *E.* 4. Sir *Rob. Conſtable* and Sir *John Conſtable* Knight, *Robert Hilliard*, *John VVenſlagh*, *Rob. Sheffield* and *VVill. Eland*, were aſſigned [i] to view and repair all thoſe, which were then in decay, on the VVeſt part of the ſaid way from **Helyll** to **Baynetone**; and from thence to **Bridyngtone**, and thence to the Sea; and ſo in all **Holderneſſe** and other parts on the Eaſt and South ſide of thoſe places. So alſo in 13 E. 4. were [k] *Rob. Sheffelde*, *Edward Saltmerſhe*, *John Copyndale*, *Roger Kelk*, *John Middiltone*, and *Thomas Minskip*, for thoſe on the Eaſt part of that way, which leadeth from the Lordſhip of **Lekynfield** unto **Cotingham**, and from the Lordſhip of **Cotyngham** to **Waghene**; and thence to the River of **Hulle**, unto the Lordſhip of **Eſke**: and alſo to proceed therein as aforeſaid.

g Pat. 33 H. 6. p. 1. m. 17. in dorſo.

h Pat. 37 H. 6. p. 1. m. 19. in dorſo.

i Pat. 4 E. 4. p. 1. m. 7. in dorſo.

k Pat. 13 E. 4. p. 2. m. 20. in dorſo.

CAP. XXIV.

FOr the repair likewiſe of divers banks and Sewers, in ſeveral other parts of this County, there were, upon occaſion ſundry Commiſſions iſſued; *viz.* in 16 *E.* 1. to [a] *Thomas de Normanvile* and *Simon le Coneſtable*, touching thoſe upon the Sea-coaſt and Verge of **Humbre**. And ſo alſo the year following, for [b] thoſe betwixt the River of **Humbre** and **Lambflete**. Yorkſhire.

a Pat. 16 E. 1. m. 1. in dorſo.

b Pat. 17 E. 1. m. 12.

The like Commiſon [c] in 31 *E.* 3. had *Robert de Herle*, *Thomas de Seton*, *John de Moulray*, and *Will. de Routhe*, at the requeſt of *John of Gaunt*, then Earl of **Richmund**; a great part of his lands, Meadows and Paſtures, from the Mill at little **Hoton**, to the Towns of **Paſſoyd** and great **Daneby**, being by the overflowing of the River **Wyſke**, for want of clenſing the Chanel thereof, much dampnified. And in 34 *E.* 3. *Robert de Herle*, *Godfrey Fuljaumbe*, *John Moubray* and others were appointed [d] to view and repair the Banks and Sewers upon the River of **Wyſke** from **Stokedale** hewed to **Blakenbergh**, and thence to the River of **Swale**.

c Pat. 31 E. 3. p. 1. m. 8. in dorſo.

d Pat. 34 E. 3. p. 1. m. 17. in dorſo.

In 38 *E.* 3. it was by an inquiſition [e] found, that through the extraordinary overflowings of the river **Ouſe**, which broke the banks very much, the Mannor of **Hoyanwick** was totally drowned. And upon a pleading in 44 *E.* 3. the Jurors preſented [f], that the Sewer called **Foſſe**, which runneth to the great river of **Foſſe**, from a place called the **Walbot enge**, without the Town of **Strenſale**, unto the Abbots milne in the Suburbs of the City of **Yorke**, was ſo filled up with mud and weeds, that the rain deſcending thereabouts could not paſſe therein, as it had wont to do: And that it ought to be ſcoured by the Towns of **Strenſale**, **Eſterwyk**, **Touthorp**, **Harby**, **Huntingdon** and **Clifton**.

e Eſc. 38 E. 3. n. 57. *Ebor.*

f Plac. de term. *Mich.* 44 E. 3. rot. 24 *Ebor.*

ton. Neither was it gain-ſaid by the ſaid Towns of Strenſale, Ellerwyk and Harby, but that they ought to cleanſe and repair the ſame whereſoever their land lay adjacent thereto: therefore the Shireeve had command to diſtrain them.

In 3 *R.* 2. *Will. Latimer, Roger de Fulthorpe, John de Clifford, Thomas Lovel,* and *John de Sadyngton*, were conſtituted [g] Commiſſioners for the view and repair of the banks *&c.* in the Wapentakes of Bulmere, Ridwell, and Bidkoyd. The like Commiſſion in 6 *R.* 2. had [h] *Henry Percy* Earl Northumberland, Sir *Robert Coneſtable* Knight, Sir *Peter de Bukton* Knight, *John de Aſke, Thomas Lovel,* and *Thomas de Beverley*, for thoſe betwixt Kingſton upon Hull and Darwent, and the parts adjacent.

Upon a pleading in 5 *H.* 4. the Jurors found, [i] that there was not any common Road-way in Skakilthorp and Popilton, through the paſture of Skakilthorpe: and that the Abbot of *S. Maries* in Yorke, ought neither to cleanſe the Sewers there, called Fowlfoſſe, nor repair the ſaid way: the Abbot therefore was diſchardged.

Upon the like pleading in 14 *H.* 4. it was alſo found, [k] that the River of Derwent at the Conyngdyke, and over againſt the Calf gate, was ſo obſtructed, that it did overflow the Meadows of Knapton, Skamſton and Wintringham; and that the Abbots of Rivaulx and his Predeceſſors ought to ſcour it. But the Abbot having ſeen the ſaid Preſentment and pleading; that foraſmuch as mention was made in the Preſentment, that the damage done thereby, was only to that Town (in which caſe a particular action lay, by the ſaid town, againſt him by the Law of the Land) and not to the King, except it had been a common nuſance, which was not ſuppoſed by the ſame Preſentment; therefore the ſaid Preſentment, being inſufficient of it ſelf, he was diſchardged.

In 7 *H.* 5. *will. de Loáyngton*, Sir *Richard Redmayn* Knight, *Rob. Waterton, Rob. Maleverer, Guy Roclyff*, and *John Dawney* were appointed [l] to view and repair the banks, and Sewers, betwixt the Rivers of Uſe and Ayre in this County; and to do all things therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

The like in 11 *H.* 6. had [m] *John* Archbiſhop of Yorke, *Rich.* Duke of Yorke, *Rich.* Earl of Saliſbury, *James Strangeways*, Sir *Rich. Stanhope* Knight, *Raphe Bapthorpe*, & others, for all thoſe betwixt the River of Trente, & the King's High way, which leads from the town of Ferribrigge, unto the town of Worſoppe, called Watlyngſtrete: and thence by the common high way, which leadeth from the ſaid town of Worſoppe to the Town of Dunham; and from thence to the Rivers of Duſe and Eyre, on both ſides the Rivers of Joul, North-Joull, Done, Wyk, and Went, in the Counties of Yorke, Notingham and Lincolne: And to make Statutes and Ordinances, neceſſary thereto, conſonant to the Laws of Romeney Marſh *&c.* As alſo to take up ſo many Labourers, upon competent wages, in reſpect of the great and urgent neceſſity of the work, as ſhould be requiſite for that imployment.

So alſo in 17 *H.* 6. had [n] *John Portyngton, Guy Rouclyff, Raphe Bapthorpe, Peter Arderne, Rob. Rouclyff*, and others, for thoſe upon the Sea-coaſts and Marſhes at Scardeburgh, betwixt Southſkele, and the Hoſpital of *S. Nicholas* at Scardeburgh.

[g] Par. 3 *R.* 2. p. 1. m. 44. in dorſo.

[h] Par. 6 R. 2. p. 1. m. 9. in dorſo.

[i] Plac. coram Rege term. *Hill.* 5 *H.* 4. rot. 21. *Ebor.*

[k] Plac. coram Rege term. *Hill.* 14 *H.* 4. rot. 21. *Ebor.*

[l] Par. 7 *H.* 5. p. 1. m. 26. in dorſo.

[m] Par. 11 *H.* 6. p. 1. m. 1. in dorſo.

[n] Par. 17 *H.* 6. p. 1. m. 29. in dorſo.

T CAP.

CAP. XXV.

Derbyſhire. IN this kind of improvement there was ſomething alſo in **Derbyſhire**, as it ſeemeth, and that very antiently, though the particular places be not expreſt: for in 12 *E.* 2. there were two Commiſſions iſſued to certain perſons of quality in this County, for to view the banks, Ditches and Sewers, then broken and in decay in ſeveral parts thereof, and to cauſe them to be repaired: the firſt to [a] *Will. de Herle, Richard de Wylughby, John Deincourt*, and *Richard de Whatton*; and the ſecond to [b] the ſaid *John Deincourt* and *Richard de Whatton*, together with *William de Gretton*, and *Roger de Breton*.

[a] Pat. 12 E. 2. p. 1. m. 10. in dorſo.
[b] Ib. m. 8. in dorſo.

CAP. XXVI.

Notinghamſhire. TOuching the Banks and Sewers in this County, the firſt mention that I find, is in 11 *E.* 3. there being then a Preſentment [c] made in the wapentake of **Berſetlawe**, againſt ſeveral perſons for diverting the ſtream of the River of **Idle** into the **Hel-dyke**; without any penalty impoſed upon them for ſo doing: but they being ſummoned to appear in the Kings Bench, to anſwer their doings therein; ſaid, that the Shireeve had a VVrit to levy x l. upon them for damage: the ſaid Shireeve therefore was required by that Court to tranſmit the ſaid preſentment thither.

[c] Plac. coram Rege term. *Trin.* 11 E. 3. rot. 109. *Nott.*

In 16 *E.* 3. the King being informed, [d] that the Rivers of **Deven**, **Smyte**, and **Kerſyk**; as alſo certain Ditches and places, through which divers waters, in certain parts of the vale of **Belvoir**, within the Wapentakes of **Bingham** and **Newerke**, betwixt the towns of **Flintham** and **Dyſton**, ſo deſcending into the ſaid River of **Devene**, and thence into **Trent**, did then run and had uſed to do; were ſo much ſtraightned, by ſand, mud and plantation of trees; that, by reaſon thereof, and for lack of certain trenches, which would have been very neceſſary in thoſe parts, for the drayning and preſerving the low grounds and meadows there; the Lands, Meadows, and paſtures of many people in thoſe parts, had been often overflowed by thoſe waters, and did ſo continue: he conſtituted [e] *John de Vaux*, *Geffrey de Staunton*, and *John de Ker* his Commiſſioners to view the ſaid waters and Ditches; and to cauſe new trenches to be digg'd in any of the ſaid lands, meadows, or paſtures there, where need ſhould be; ſo that competent ſatisfaction were made to all ſuch in whoſe grounds thoſe trenches might happen to be cut, according to the true value of the damage, which would be thereby done thereto.

[d] Par. 16 E. 3. p. 1. m. 11. in dorſo.
[e] Ibid.

And in 25 *E.* 3. upon farther information, [f] that the ſaid Rivers, paſſing through the VVapentake of **Newerk**, betwixt the towns of **Staunton**, **Kilvington**, **Flanbergh**, **Shelton**, **Sibethorpe**, **Syreſton**, **Eyleſton**, **Stoke**, **Farnedone**, **Thorpe**, **Cotum**, and **Houton**; and from thoſe towns deſcending to the ſaid River of **Dyvene**, and thence into **Trent**, were alſo in ſuch ſort obſtructed, as that the Lands, Meadows and Paſtures of divers perſons were overflowed: And moreover that the Bridges and Cauſeys at **Wendlesford**, **Horſcroft**, **Bourbrig**, and **Langbrig**, and divers other bridges and Cauſeys in thoſe parts, that there was ſcarce any paſſage at all, by them, in the VVinter time, to the great peril of ſuch as travailed over them:

[f] Par. 25 E. 3. p. 2. m. 22. in dorſo.

g Ibid. them: the King appointed g *Geffrey de Staunton, Thomas de Sibethorpe, John de Sutton, Will. de Leyk,* and *Simon de Leyk* to view them; and to cauſe new Chanels to be made, where need ſhould require, making reaſonable ſatisfaction to the owners of thoſe lands, through which they were to cut, anſwerable to the damage which they might have thereby.

In 37 *E.* 3. *John Power, Robert de Morton, Oliver de Barton,* and *John Stirapp* were aſſigned h to view the paſſage of the River of **Idel**, through the towns of **Weſt-Retford, Bolin, Tilne, Sutton, Lound, Matherſeye, Scroby, Skaftworth, Clayworth, Everton,** and **Herewell**; and to cauſe them to be clenſed and ſcoured, in regard that by their obſtruction, with ſand, weeds, and the like, the lands and meadows of divers perſons had been overflowed and drowned. The like Commiſſion i in 51 *E.* 3. had *Raphe* Lord *Baſſet* of **Drayton**, *will. de Skypwith, Roger de Kirketone* and others for to view the Banks and Sewers betwixt **Bykers dyke**, on both ſides, in this County, and **Done hevede**; and to cauſe them to be repaired, where need was.

h Par. 37 E. 3. p. 2. m. 20. in dorſo.

i Par. 51 E. 3. p. 1. m. 41. in dorſo.

In 1 *R.* 2. *will. de Skipwith, Robert de Morton, Oliver de Barton, Elias de Thoreſby, John de Bekering, Will. Power of* **Tylne**, and *John de Whetlay* were conſtituted k Commiſſioners for to view the courſe of the River **Idel**, through the towns of **Elkeſlay, Gamelſton, Eton, Dydeſhale, Eſt-Retford, Weſt-Retford, Bolum, Tylne, Sutton, Lound, Matherſay, Thorpe, Scroby, Scaftewoyth, Clayworth, Everton, Harewell** and **Hayton**; which, for want of clenſing, had drowned the Lands of ſundry perſons, and to cauſe the ſame to be ſcoured.

k Par. 1 *R.* 2. p. 2. m. 27. in dorſo.

The like Commiſſion l in 18 *R.* 2. had *Henry de Codyngton* Clerk, *John de Markham*, Sir *John de Burton*, and Sir *Will. Nevill* Knights, *Robert Martell* and *Thomas de Sutton*, for certain Gutters in the vale of **Belvoir**, and in the VVapentakes of **Bingham** and **Newerk**, betwixt the towns of **Langar** and **Bingham**, by the towns of **Flyntham** and **Hokelworth**, and **Hokelworth Thurvarton** and **Dyſton**, and other places deſcending into the River of **Dyvene**, and thence into **Trent**; which Gutters were then alſo obſtructed, with ſand, weeds, and other impediments, to the great damage of the adjacent grounds, by overflowing *&c.*

l Par. 18 *R.* 2. p. 2. m. 11. in dorſo.

So alſo in 20 *R.* 2. had m the ſaid *John de Markham*, Sir *John Bozoun* Knight, and *Richard Bercotes*, for the ſame Gutters and trenches, which by reaſon of the like obſtructions, for lack of certain trenches that ought to have been made, for the drayning of the grounds lying neer them; eſpecially overthwart **Streſton** meadow, unto the ſaid River of **Devene**: with power to make new trenches where they ſhould find it neceſſary; and to compell every man having land, capable of any benefit thereby, according to the proportion thereof, for to aſſiſt therein.

m Par. 20 R. 2. p. 2. m. 22. in dorſo.

In 30 *H.* 6. *John*, Cardinal, and Archbiſhop of **Yorke**, *John* Vicount *Beaumont*, Sir *Raphe Cromwell* Knight, *Raphe Bygham*, *John Portyngton*, and others, were appointed n to view and repair the Banks and Sewers, betwixt **Bykers dyke** and the River of **Done**, on every ſide; lying within this County, and the Counties of **Yorke** and **Lincolne**, and Confines of the ſame; and in the VVapentakes of **Hauley** and **Corringham**; and in the Soke of **Kirketone** in the ſaid County of **Lincolne**; and in the Soke or Hundred of **Baſtlawe** in this County. And to make Statutes and Ordinances therein, conſonant to the Laws of this Realm, and the Laws and Cuſtomes of **Romeney** marſh: and to do all other things touching the ſame according to the Law of this Realm, and the ſaid Cuſtomes of **Romeney** marſh: As alſo to impreſt ſo many Labourers upon competent wages, to be imployed in the ſaid work, as ſhould be needfull, conſidering the great and urgent neceſſity for the ſpeedy accompliſhment thereof.

n Par. 30 H. 6. p. 1. m. 22. in dorſo.

The like Commiſſion o in 14 *E.* 4. had *Thomas* Biſhop of **Lincolne**, *will.* Lord *Haſtyngs*, Sir *John Scrope* of **Bolton** Knight, Sir *Robert Markham* Knight, *John Stanhope, Gervaſe Clifton, Robert Willughby, Thomas Molineux, Thomas Nevill*, and *John Metheley*, for the view and repair of the Banks and Sewers, from **Broughton-Sulny** unto the River of **Devene** in this County; and from **Feldyke** in **Bingham**, unto the ſaid River of **Devene**:

o Par. 14 E. 4. p. 1. m. 20. in dorſo.

vene: as also by and about the same River, from the County of **Leicester**, beyond **Kilvyngton**, unto the River of **Trent**, in this County: And to proceed therein as aboveſaid. So also in 22 *E.* 4. had [p] the same Archbishop and most of the before-mentioned persons.

[p] Par. 22 E. 4. p. 1. m. 22. in dorso.

But farther touching the Fens in this County, I have not seen, other than what a Law [q] of Sewers, made at **Stockwith** 14 *Aug.* 5 *Caroli* mentioneth; which is, that whereas *John Lyens* and other *Dutch men*, had undertaken to the King and his privy Council, to drayn the Carrs and Marshes in the Lordship of **Hatfield** in the County of **Yorke**, **Arholme** in the County of **Lincolne**, and other great Carrs in this County of **Nottingham**, and had made divers great Rivers and drayns to that purpose; it was decreed, that for the better conveying away of the waters, one Sluce should be erected on **Bikersdyke**, within the Parish of **Wisterton**, at a place lying over the bridge, called **Bleesford bridge**, and to make a cut over the common grounds called **Bleesford**, to **Wisterton** firm grounds.

[q] Ex bund. Decret. in officio nuncupata the **Pettibag.**

And that whereas the said *John*, and his Participants, became undertakers for the drayning of certain Carr grounds, in **Everton**, in this County of **Nottingham**, in consideration thereof they were to have, to them and their heirs and assignes for ever, five hundred Acres of land, laid out from **Everton** inclosures, all along by **Gyngeley** bank side, unto the **Tofte, Carr banke**, or New bank, to be set out by Surveyors chosen on each part.

CAP.

CAP. XXVII.

BEing now come into **Lincolnshire**; I shall first begin with the Isle of **Arholme**, which, for many ages, hath been a Fenny tract, and for the most part covered with waters: but more antiently not so: for originally it was a woody Country, and not at all annoyed with those inundations of the Rivers that passed through it, as is most evident by the great numbers of Oak, Firr, and other Trees, which have been of late frequently found in the Moor, upon making of sundry Ditches and Chanels for the drayning thereof; the Oak Trees lying somewhat above three foot in depth, and neer their roots, which do still stand as they growed, *viz.* in firm earth below the Moor; and the bodies, for the most part North VVest from the roots, not cut down with Axes, but burnt asunder somewhat neer the ground, as the ends of them, being coaled, do manifest. Of which sort there are multitudes, and of an extraordinary bigness; *viz.* five yards in compasse, and sixteen yards long; and some smaller of a greater length, with good quantities of Akorns neer them: and of small Nuts so many, that there have been found no lesse than two pecks together in some places.

But the Firr Trees do lye a foot, or eighteen inches deeper; of which kind there are more than of any other; many of them being above *xxx* yards in length: Nay, in the year 1653. there was a Firr pole taken up, by one *Robert Browne* of **Harey**, of *xxxvi* yards long (besides the top) lying neer the root, which stood likewise as it grew, having been burnt, and not hewed down: which tree bore at the bottome ten inches square, and at the top eight.

About *xx* years since also, in the Moors at **Thurne** (neer five foot in depth) was found a Ladder of Firr, of a large substance, with about *xl* staves, which were thirty three inches asunder; but so rotten, that it could not be gotten up whole. And in **Harey** Carr, at the like depth, a Hedge, with stakes and bindings.

The truth is, that there are so great a number of Trees, thus overgrown with the Moor, through a long time of stagnation by the fresh waters, in these parts; that, the Inhabitants have for the space of divers years last past, taken up, at least two thousand Cart Loads in a year.

As to the time when this woody Level (which extends it self into **Dikes mersh**, and **Hatfield** Chase in **Yorkeshire**) became first thus overflowed, I can say nothing, there being not any memorial thereof transmitted to us, from the light of History or Records: but that it hath been so, for divers hundreds of years, the depth of the Moor doth sufficiently manifest; which could not, in a few Ages, grow to that thickness it is of. Howbeit, as to the occasion thereof, I may rationally conclude it to have been, through the muddinesse of the constant tides, which flowing up **Humber** into **Trent**, did in time leave so much silt to obstruct the currents of **Idle**, **Done**, and other Rivers; that, having not their free passages as formerly, they flowed back and overwhelmed that flat Country with water; insomuch as the high ground became an Island, as it is still (we see) called; and a place so defencible, in respect of the spaciousnesse and depth of the waters environing it, that *Roger* Lord *Moubray*, an eminent Baron of this Realm in K. *Henry* the second's time, and then Lord thereof, adhering to young *Henry*, upon his rebellion in those dayes, repaired hither, and fortified an old Castle, which had

Arholme. been [a] long ruinous; for reducing whereof to the Kings obedience, the **Lincolnſhire** men, having no other acceſſe thereto, tranſported themſelves by ſhipping, in the year 1174 (20 *H.* 2.) So likewiſe in 50 *H.* 3. after the battail of **Eveſham**, wherein the rebellious Barons were diſcomfited, ſome of them fled [b] hither, as to a place of ſecurity, for the reaſons above expreſſed. But after that time, it was not long, ere the Inhabitants of theſe parts, imitating the good Huſbandry of thoſe in other Countryes, who had by banking and drayning made good improvements in ſuch Fenny places, did begin to do the like here: For in 1 *E.* 3. I find, that *Robert de Notingham*, and *Roger de Newmarch* were conſtituted Commiſſioners [c] to view and repair thoſe Banks and Ditches, as had been made to that purpoſe, which were then grown to ſome decay: So alſo were [d] *John Darcy* of the Park, *Roger de Newmarch*, and *John de Croſholme*.

Several other Commiſſions there were, afterwards to the ſame purpoſe; *viz.* in 25 *E.* 3. to [e] *Will. Baſſet*, *Thomas de Swinford*, *Will. de Clive*, *Thomas Levelance*, *Will. Waſcelyn*, and *Thomas Degmanton*, for all the Banks and Sewers within this Iſle. In 26 *E.* 3. to [f] *Raphe de Wilughby*, *will. Baſſet*, *Will. de Skipwith*, *Illard de Uffleete*, *Robert de Haldanby*, *John de Laſingcroft*, and *John de Flete* of **Bulwiche**, for thoſe upon the Rivers of **Trent** and **Done**, within the Hundred of **Crulle**. In 39 *E.* 3. to [g] *John Tours*, *will. Waſcelyn* and *Raphe de Burnham*, for thoſe upon the Rivers of **Done**, **Idel**, and **Bekerſdik**, in this Iſle: VVherein they were directed to proceed according to the Law and Cuſtomes of this Realm. In 40 *E.* 3. to [h] *Thomas de Ingelby*, *Will. de Fyncheden*, *Will. de Galby*, Parſon of the Church of **Epworth**, and others, for thoſe in the parts of **Baine** and **Merſland**, and Lordſhip of **Haitfield** in the County of **Yorke**, as alſo within this Iſle and Soke of **Crulle**, in this County. The like Commiſſion [i] had the ſaid *Thomas* and *William*, with *Roger de Kirketon*, and others in 41 *E.* 3. So alſo in 43 *E.* 3. had [k] Maſter *John de Burnham*, *Will. de Galby* Clerk, *Richard Poutrell*, and others, for thoſe in this Iſle, betwixt **Butterwyk**, and **Sumthorpe**.

In 2 R. 2. to [l] *Henry Percy* Earl of **Northumberland**, *will. de Skipwith*, *Roger de Fulthorpe*, *Henry Aſty*, *John Poucher*, *Thomas de Burnham*, and *William de Topclyf*, for thoſe betwixt **Bykerdyke** and **Doneheved**, throughout all this Iſle and the Soke of **Crulle**, then in decay through the force of **Trent**. And in 7 *R.* 2. to [m] *Thomas de Moubray* Earl of **Nottingham**, Sir *VVill. de Willughby* Knight, *VVill de Skipwith*, and others, for all thoſe in this Iſle, as alſo betwixt **Bykerſdyke**, on both ſides, in **Nottinghamſhire**, and the River of **Done** in **Yorkeſhire**.

In 1 *H.* 5. *VVill. Lodyngton*, *Thomas Egmanton*, and *Iohn Dowenay*, *Rob. VVaterton*, and *Edmund Fitzwilliam*, being conſtituted [n] Commiſſioners for the view & repair of the Banks and Sewers in the Soke of **Crulle**, and this Iſle of **Arholme**; and betwixt **Bekerdyke**, on each ſide; ſate [o] at **Crulle** upon the monday next after the Feaſt of the *Nativity* of the bleſſed Virgin, in the year aboveſaid: before whom the Jury then preſented [p], that one *Geffrey Gaddeſby* late Abbot of **Selby**, did cauſe a ſtrong Sluſe of wood, to be made upon the River of **Trent**, at the head of a certain Sewer, called the **Mare dyke**, of a ſufficient height and bredth, for the defence of the tides coming from the Sea; and likewiſe againſt the freſh waters deſcending from the VVeſt part of the before-ſpecified Sluſe to the ſaid Sewer, into the ſame River of **Trent**; and thence into **Humbre**: and performed the ſame upon his free good will and Charity for the eaſe of the Country. VVhich ſaid Sluſe, certain unknown perſons (Inhabitants of the Lordſhip of **Haytfield**) pulled down, in the time of *Iohn de Shireburne*, late Abbot of that place, and next ſucceſſor of the ſaid *Geffrey*.

And whereas the ſaid *Iohn de Shireburne*, did new make the ſame Sluces of ſtone, ſufficient (as he thought) for defence of the Sea tides, and likewiſe of the ſaid freſh waters; the Jurors ſaid, that they were not ſtrong enough for that purpoſe, being both too high and too broad: And that it would be expedient, for the advantage of the Country, that the then Abbot, if he pleaſed, would in the place where thoſe Sluces of ſtone were made, cauſe certain Sluſes of ſtrong timber to be ſet up, conſiſting of two Floud-

a *Flores* Hiſt. in anno 1174.

b Ib. in anno 1276. *Math. Pariſ.* ſimiliter.

c Pat. 1 E. 3. p. 3. m. 10. in dorſo.

d Pat. 1 E. 3. p. 1. m. 18. in dorſo.

e Pat. 25 E. 3. p. 1. m. 5. in dorſo.

f Pat. 26 E. 3. p. 3. m. 22. in dorſo.

g Pat. 39 E. 3. p. 1. m. 12. in dorſo.

h Pat. 40 E. 3. p. 1. m. 30. in dorſo.

i Pat. 41 E. 3. p. 1. m. 19 in dorſo.

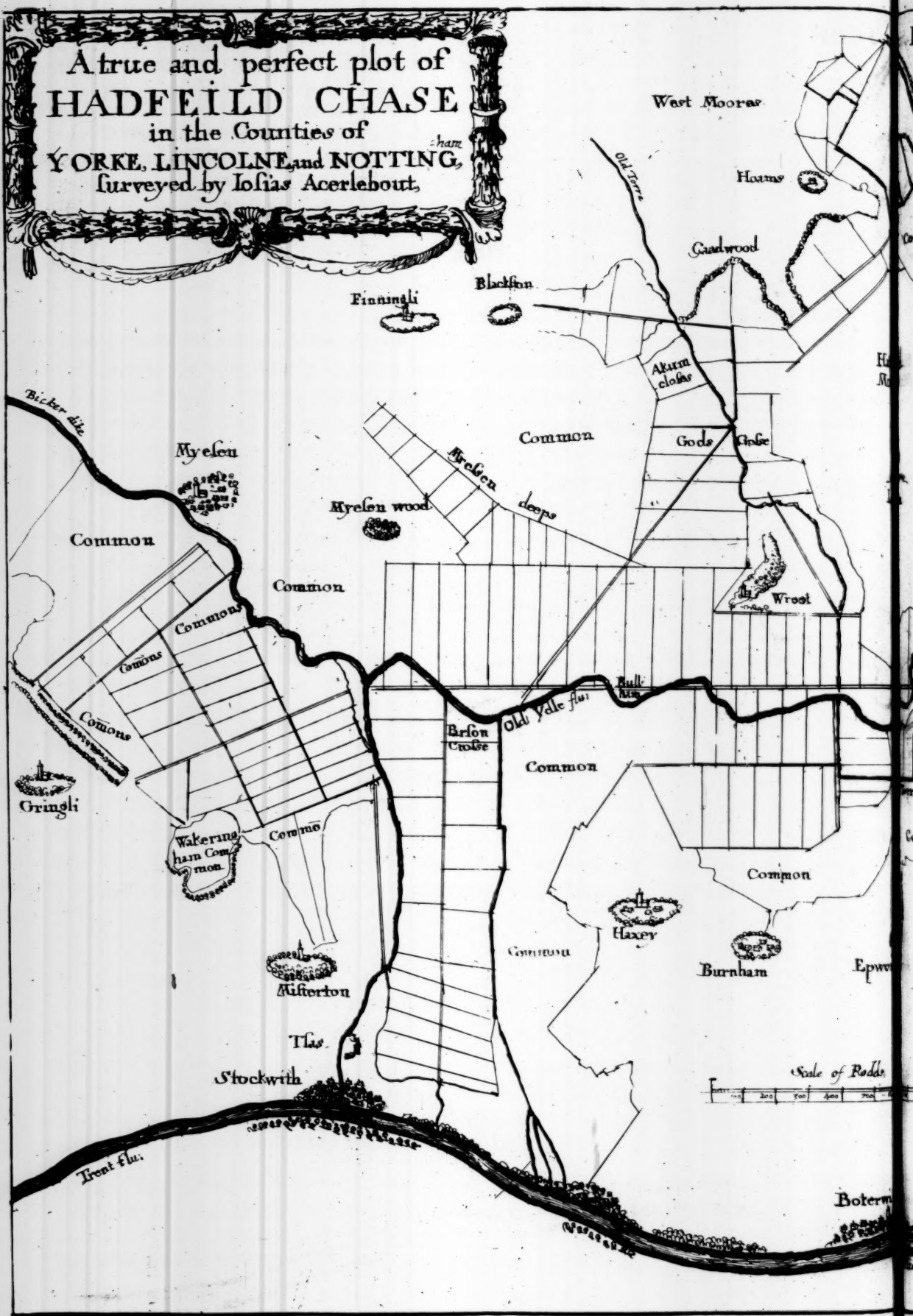
k Pat. 43 E. 3. p. 1. m. 33. in dorſo.

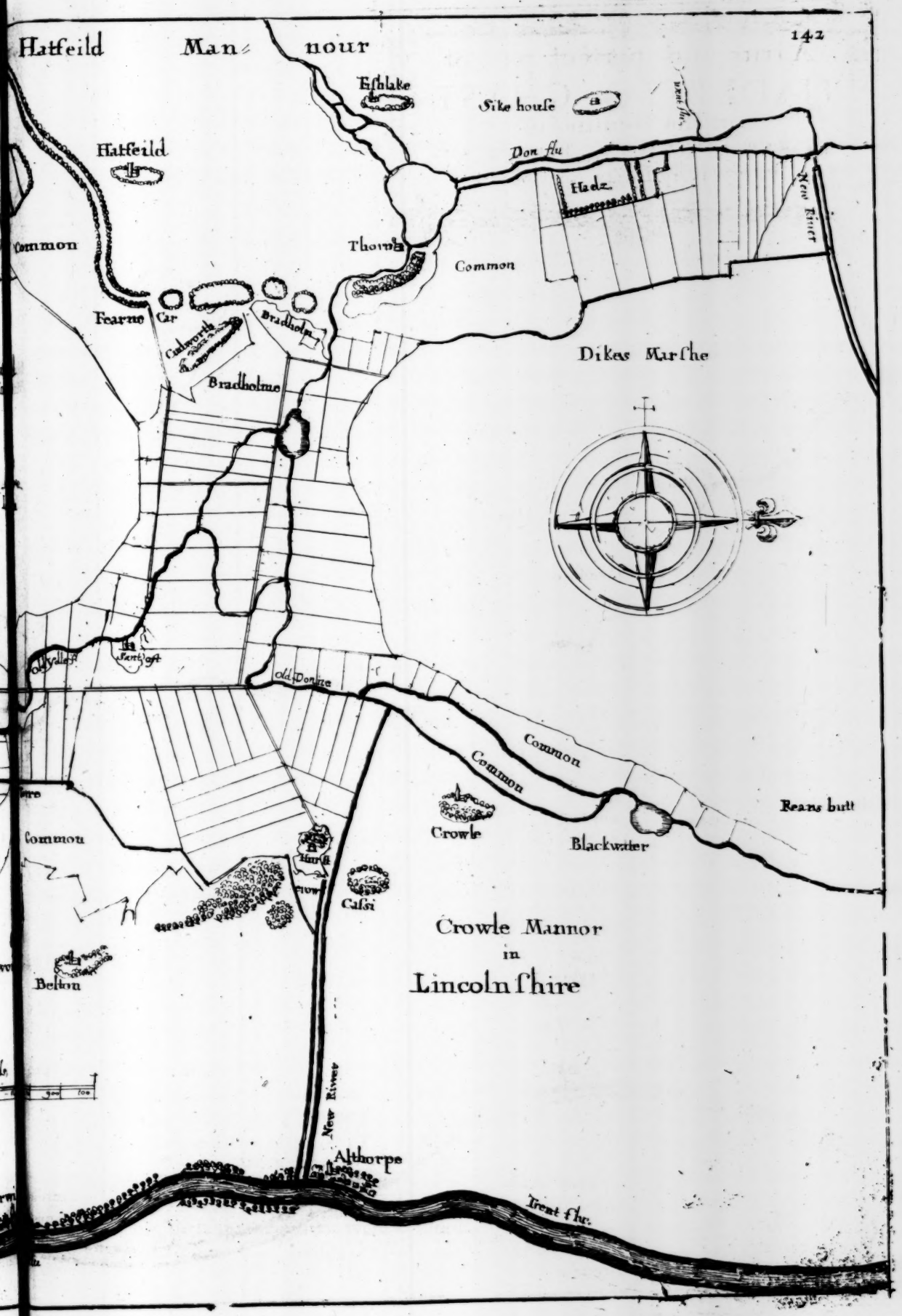
l Pat. 2 R. 2. p. 2. m. 32. in dorſo.

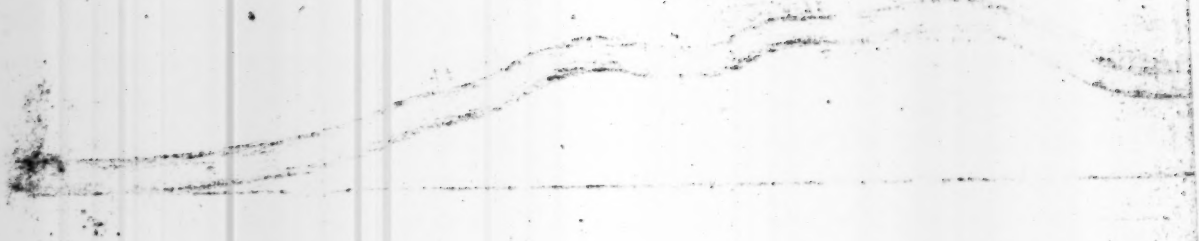
m Pat. 7 R. 2. p. 1. m. 17. in dorſo.

n Par. 1 H. 5. p. 1. m. 21. in dorſo.

o Ex bund. de Brev. & Recordis, Wallias &c. tangentibus, rem. H. 5. n. 15. Lin.


A true and perfect plot of
HADFEILD CHASE
in the Counties of
YORKE, LINCOLNE and NOTTINGham
Surveyed by Iosias Acerlebout
West Moores
Hoams
Old Terre
Gradwood
Blacktoft
Finningli
Akum closes
Bicker dike
Myelsen
Common
Gods Close
Myelsen deeps
Myelsen wood
Common
Common
Wroot
Commons
Comons
Comons
Bull Mire
Old Yalle flu:
Burton Croftes
Common
Gringli
Wakering ham Com mon
Common
Common
Haxey
Burnham
Misterton
Common
Tlas
Stockwith
Scale of Rodds
Trent flu:


Hatfeild Manour
Eſhlake
Sike houſe
Hatfeild
Don flu
Hadz
New River
Common
Thorn
Common
Fearne Car
Cadworth
Bradholm
Bradholme
Dikes Marſhe
Old Donne
Common
Common
Reans butt
Crowle
Blackwater
Common
Caſsi
Crowle Mannor
in
Lincolnſhire
Belton
New River
Althorpe
Trent flu.



Floud-gates; each Floud-gate containing in it self, four foot in bredth, and six foot in height; as also a certain bridge upon the said Sluses, in length and breadth sufficient for Carts and other Carriages, which for the future might passe that way: And being so made, and having stood firm, for the space of one whole year, against the force of those tides, by the view of *Richard de Amcotes*, and *Robert Lyulf* of **Waterton**, elected and sworn by the before-specified Commissioners, or some others, to be chosen by them; that thenceforth the said Abbot of **Selby**, *Richard Amcotes*, and other of the Free-holders of **Crull**, **Amcotes**, **Waterton**, **Sarlethorpe**, **Ludington**, and **Eltoft** in this County of **Lincolne**; as also all the said Towns in common, should, in respect of their Lands and Tenements, lying within that Soke, be obliged, of right to keep them in repair.

And they said farther, that it would be very necessary, that the before-mentioned Abbot, if he pleased, should cause to be there made, without the said Sluse, towards the River of **Trent**, at the Feast of *Easter* then next ensuing, one demmyng, for that present. And they also said, that, for the future, the said Free-holders, as also the said Towns, and every of them, might clense and scour the said Sewer called the **Mare dyke**, according to the proportion belonging to each of them therein, from the said Sluse, to the bridge of **Ludington**, called **Lane end bigg**.

VVhereupon the Shireeve was commanded to summon the said Abbot, *Richard Amcotes* and the rest, to appear before the before-specified Commissioners at **Crull** aforesaid, on the Tuesday next before the *Nativity* of the blessed Virgin, then next ensuing, to answer *&c.* At which day they all came accordingly, and could not gainsay, what had been so presented by those Jurors.

And long after this, *scil.* in 5 *E.* 4. Sir *Thomas Burghe*, and Sir *Robert Constable* Knights, *John Nevill*, *Robert Sheffield junior*, *Thomas Moigne*, *Richard Haunsferd* of **Duresby**, and others, were constituted [q] Commissioners for the view and repair of the Banks and Sewers throughout this Isle; as also betwixt **Bykerldyke**, on each side, in the County of **Notingham**; and the River of **Done**, on both sides, in the County of **York**: and within the VVapentake of **Manley**, **Perebrigh**, **Corringham**, **Walkhowe**, and **Walshcroft**, in this County of **Lincolne**: and to make Statutes and Ordinances therein, consonant to the Laws of the Realm, and Custome of **Romeney** marsh: As also to impresst so many Labourers, as they should think necessary for that work, upon competent wages, in respect of the great necessity for hastening thereof. **Arhalme.**

[q] Par. 5 E. 4. p. 1. m. 23 in dorso.

Having thus traced down the successive Commissions for improvement of the Marshes in this Isle, by banking and drayning, untill after the Statute * of 6 *H.* 6. VVhich Statute prescribing a form for all that should be issued out after that time, throughout this whole Realm; wherein direction and power is given to those who are to be imployed therein, to make and ordain necessary and convenable Statutes and Ordinances, for the salvation and conservation of the Sea-banks and Marshes; and the parts adjoyning thereto, according to the Laws and Customes of **Romeney** marsh: and likewise to hear and determine all and singular complaints, that shall come before them, touching that businesse, according to the Laws and Customes of this Realm, and the Customes of the said **Romeney** marsh: appointed also, that upon great and urgent necessity, they should take and put into the said works and reparations, as many Ditch-makers and other Labourers, upon competent wages, as might be sufficient to perform that service; it will not be necessary (as I conceive) to give farther instances of this kind; I shall therefore descend to that great and no lesse commendable work, which was undertaken shortly after the beginning of the late King *Charles* his reign; not only for the drayning of all the surrounded Marshes of this Isle, but of the adjacent Fenny grounds, lying in **Yorkeshire**; *viz.* **Hatfield** Chase and **Dikesmeth**: VVherein I may not omit to observe, [a] that the overflowings of the fresh waters over that whole Level, was such, by reason that the before-specified Rivers of **Idel**, **Bickers dyke**, **Turne**, **Done**, and **Ayre** were obstructed in divers places, with

* Cap. 3.

[a] Ex diversis depositionibus, in lingua Britannica de term. Paschæ. 24 Caroli penes Remembrancer Scacc.

Arholme. with ſo much ſilt and other impediments, chiefly contracted by the dayly tides, as I have before declared; that not only in winter, but even in the Summer time, Boats laden with plaiſter have paſſed over that part thereof, called **Hatfield** Chaſe, to a place called **Hollen brigge**, near **Hatfield Woodhouſe**, the water upon the drowned grounds, being about three foot deep: and the Fiſhers houſe, called *Steere's* lodge, ſtanding on ground thrown up and raiſed three or four foot above the level, often drowned.

Neither was **Hatfield** Carr leſſe overwhelmed, large Boats laden with xx quarters of Corn, uſually paſſing over it, from the River of **Idel** to **Trent bank**; men rowing alſo with leſſer Boats, to look Swans, over all parts of it, betwixt *Lammas* and *Michaelmaſſe*: And in like ſort over **Starr Carr**, and **Arholme Carr**; inſomuch as there was no leſſe than ſixty thouſand acres of land thus overflowed by the ſaid freſh waters.

The ſaid King therefore, being ſeized of this Iſland, and of divers lands and waſte grounds, belonging to the ſame; as alſo of and in the Chaſe called **Hatfield** Chaſe, with **Dikes merſh**, together with the Lordſhips of **Wroote** and **Finningley** in the County of **Yorke**, all lying upon the ſame flat; out of his Royal and Princely care for the publick good, in regaining ſo great a proportion of ſurrounded land; which, at the beſt, yielded little or no profit to the Common wealth, but contrariwiſe nouriſhed beggars and idle perſons: and having a Chaſe of Red Deer through a good part of this Fen, which much annoyed and oppreſt the reſidue; reſolving by the advice of his Counſel; partly for the eaſing of his chardge, and increaſe of his revenue, and partly for the improvement and reducing of ſo great a quantity of drowned and boggy ground, to be made good Meadow, Arable, and Paſture, for the general good; did under the great Seal of **England**, contract with *Cornelius Vermuden*, then of the City of **London** Eſquire, by Articles bearing date the twenty fourth day of *May*, in the ſecond year of his reign, the ſubſtance whereof was as followeth.

An. 1626.

1 First, that the ſaid *Cornelius* ſhould, at his own chardge drain and lay the ſame dry; beginning the work within three months, after the ſaid King ſhould have agreed with thoſe perſons that had intereſt of common therein; and finiſh it with all poſſible expedition.

2 That he the ſaid *Cornelius*, in conſideration thereof; ſhould have to him and his heirs, for ever, one full third part of the ſaid ſurrounded grounds, to hold of the ſaid King, his heirs and ſucceſſors, as of his Mannour of **Eaſt Greenwiche**, in free and common ſocage.

3 That he the ſaid *Cornelius* ſhould pay and ſatiſfie to the owners of all lands, lying within the ſame level, and ſo ſurrounded, ſuch ſumms of mony, as the ſaid lands ſhould be thought worth by four Commiſſioners; whereof two to be named by the Lord Treaſurer of **England**, for the time being; and the other two by him the ſaid *Cornelius*.

4 That the work being finiſhed, there ſhould be, for the better preſervation thereof, a Corporation made, to make Acts and Ordinances to that end, as occaſion ſhould require; conſiſting of ſuch perſons as he the ſaid *Cornelius* and his heirs did nominate.

5 That within three years after they ſhould be finiſhed, ſix Commiſſioners to be appointed; *viz.* three by the Lord Treaſurer of **England**, for the time being; and three by the ſame *Cornelius*, his heirs *&c.* to view them, and eſtimate what the future yearly chardge might amount unto, for the perpetual maintaining of them: whereupon the ſaid *Cornelius* to convey and aſſure the Inheritance of lands to ſuch a value, as might be thought ſufficient to ſupport that chardge.

And that whereas divers did claim common of Paſture in ſundry of the ſaid grounds, it was agreed that the King ſhould iſſue out his Commiſſion under the great Seal of **England**, to certain perſons, to treat and conclude with thoſe Commoners, by way of compoſition, in land or mony, concerning the ſame.

VVhereupon Commiſſions were accordingly directed [b] to ſeveral Gentlemen of thoſe Counties, to treat and agree with all ſuch as pretended right of Common within any of the Mannours above-

[b] The ſtate of the caſe printed at *London*, an. 1656.

above-mentioned: which took effect with each of them, except those of the Mannour of **Epworth**, in this Isle: But Sir *Robert Heath*, being the then Attorney General, exhibiting an information in the Exchequer Chamber against them, three hundred and seventy (who were all that at that time could be discovered to have right of common there) came and submitted to such an Award, as Sir *John Bankes* (the then Attorney general) should make therein: Who, upon several hearings of all parties and their Councell, made this Award; *viz.* that of thirteen thousand and four hundred Acres, belonging to that Mannour (which was then to be drayned, with the rest of the levell) six thousand Acres should be allotted to the Commoners, as their part or portion, lying next to the Towns; and so preserved for ever, at the chardge of the said *Cornelius Vermuyden*; and the remaining seven thousand and four hundred Acres to be set out in the remotest parts of those wastes to Sir *C. Vermuyden* and his participants, for their third part, and for the said late King's part, in right of his interest as Lord of the soil: which, by consent was decreed in the Exchequer Chamber, and possession thereupon establisht with the said *Cornelius Vermuyden*, and his participants, and to their assigns.

The agreement being therefore thus made, this great work was accordingly begun, and had so successful a progresse; that, with the chardge of fifty five thousand eight hundred twenty five pounds, or thereabouts, it became fully finisht, within the space of five years; the waters which usually overflowed the whole levell being conveyed into the River of **Trent**, through **Snow** Sewer, and **Althorpe** River, by a Sluse; which issued out the drayned water at every ebb, and kept back the tides upon all comings in thereof.

And now that the world may see what an advantage accrued to the publick by this noble, though chardgable work, I shall here, from the before-specified Depositions, observe; First,
1 that since the drayning of **Hatfield Carr**, a great part thereof hath been sowed with Rape and other Corn, for three years together, and born plentiful crops.

That some part of the said Carr, not worth above six pence an Acre, *per annum*, was after the said drayning worth *x s.* the Acre. **Athelme.** 2

That several houses have been since built and inhabited in sundry places of the said Carr, which formerly was drowned land: So likewise in other parts of the levell. 3

That since the drayning, the grounds are better worth *xiij s. iiij d.* an Acre, than they were two shillings an Acre before. 4

That of ten Acres of drayned land, fifty quarters of Rape seed have been gotten in one year, and sold at *xxx s.* the quarter. 5

That of the said drayned grounds, they have usually had three quarters and a half of wheat upon one Acre; three quarters of Rye upon one Acre; and eight quarters of Oats upon one Acre. And for six years together seven quarters of Oats on one Acre. 6

That before this drayning, the Country thereabouts was full of wandring Beggars; but very few afterwards; being set on work in weeding of Corn, burning of ground, thrashing, ditching, Harvest work and other Husbandry: All wages of Labourers, by reason of this great use of them, being then doubled. 7

Hereunto I shall add what I find in that printed Relation, before-mentioned; *viz. the State of the Case*; id est, that the said *Cornelius Vermuyden*, together with his participants and their assigns, being in quiet and peaceable possession of what belonged to them by virtue of the Agreement aboveſaid, did build and plant a Town called **Sandtoft**, with a Church therein; placing a Minister there; whereunto resorted above two hundred Families of *French* and Walloon Protestants (fled out of their native Country for fear of the Inquisition, only to enjoy the free exercise of their Religion here) who erected and planted above two hundred habitations for Husbandry, and plowed and tilled much of the said twenty four thousand and five hundred Acres of land, to the great benefit of the Common wealth. All which they enjoyed till about the Month of *June*, in the year 1642, that some of the Inhabitants thereabouts, pretending An. 1642.

Axholme. they had right of Common, ſaid they were not bound by the before-ſpecified Decree: and therefore taking advantage of the preſent diſtractions: for then it was that the Parliament began to raiſe a powerful Army *for the ſafety of the King's perſon, defence of both Houſes of Parliament, and of thoſe who had obeyed their Orders and commands; and preſerving the true Religion, Laws, Liberties and peace of the Kingdome* (as their votes and Remonſtrances did ſet forth) a vaſt proportion of money and plate, being brought in, by the Citizens of **London**, and others, for that purpoſe; the King being at that time at **Yorke**, with ſome ſlender guards (which they voted to *be a levying of warr againſt his Parliament*) they aroſe in tumults, brake down the fences and incloſures of four thouſand Acres, deſtroyed all the Corn growing, and demoliſhed the Houſes built thereon.

c Ex præfatis depoſitionibus.

And c about the beginning of *February* enſuing, they pulled up the Floudgates of **Snow** Sewer, which by letting in the tides from the River of **Trent**, ſoon drowned a great part of **Hatfield** Chaſe; divers perſons ſtanding there with Muſkets; and ſaying, that there they would ſtay till the whole levell were drowned, and the Inhabitants forced to ſwim away like Ducks: and ſo continued guarding the ſaid Sluſe for the ſpace of ſeven weeks together, letting in the tides at every full water, and keeping the Sluſe ſhut at an ebb. And about that time, likewiſe, ſome of the Inhabitants of **Fiſherton**, pulled down another Sluſe, neer that Town; which occaſioned the River of **Trent** to break down the Banks and overflow the whole levell, ſo that the Barns and Stacks of Corn were drowned a yard high, at the leaſt.

d Ibid.

And thinking this not to be miſchief enough, the d Inhabitants of the Iſle of **Axholme**, did about *Michaelmaſſe* in the year 1645 tumultuouſly throw down a great part of the Banks, and filled up the Ditches, putting in Cattel into the Corn, and Paſtures of thoſe that had been Adventurers for the drayning.

e The ſtate of the caſe *ut ſupra.*

Whereupon the ſaid Participants in this great and coſtly work, by their humble Petition e, exhibited to the Parliament in *December* following; preſented, that after the expence of at leaſt two hundred thouſand pounds in thoſe works, the Tenants of the Mannour of **Epworth**, notwithſtanding their conſents to that Decree before-ſpecified, which had been paſſed in the Exchequer for ſettlement of what had been agreed on, and ſet out of that Mannour, for the ſaid Participants and their Tenants; had in a tumultuous manner thrown down and laid waſte a proportion of at leaſt 74000 Acres of land, and deſtroyed a great quantity of Rape, and Corn growing, by forcible keeping and depaſturing their Cattel thereon; as alſo demoliſhed very many Houſes, burnt others, cut and burned the Plows, beat and wounded thoſe that were Plowing, or reſiſted them in any of thoſe their outragious acts; and then threatned the drowning of the whole by cutting of the Banks, and miſuſage of the Sluſes: and moreover, that they reſiſted the ſaid Participants, in levying taxes for the repair of the works, to the great damage of the Common wealth in general, and ſcandal to the Juſtice thereof, in caſe theſe things ſhould not be reſtrained, and the offenders to be puniſhed.

For preventing therefore of the like miſchiefs, and preſervation of the peace of the Country, it was then ordered by the Lords in Parliament, that the Shireeve of the ſaid County of **Lincolne**, and Juſtices of peace there, ſhould, upon complaint made to them therein, punctually purſue the Statutes made in 13 *H.* 4. for ſuppreſſing of Riots and Routs, and call to their aſſiſtance, if need required, the Trained bands of the ſaid County, and the Parliaments forces next adjoyning, to be aiding and aſſiſting to the ſaid Participants, in guarding and keeping theſe Sluſes and Sewers; and in repairing what had been ſo demoliſhed; and in levying the Taxes legally impoſed, tending to the preſervation of ſo good and beneficial a work to the common wealth: And for the ſetling of this buſineſſe, they farther ordered, that the Shireeve of the County of **Lincolne**, for the time being, ſhould, upon requeſt to him made by the ſaid Participants, appoint ſuch a Deputy, within the limits of the ſame levell, for the ſudden aiding and aſſiſting of them (when need ſhould re-

require) as they from time to time did desire.

And that this Order should be forthwith published, in the several Parish-Churches and Market-Towns of this County.

Which course being thus taken for restraint of those their tumultuous and riotous practices; seven of the Inhabitants of the said Mannour of **Epworth**, brought their actions at Law against the said Participants, for recovering of what had been so formerly setled by the beforespecified Decree, with their own consents.

Whereupon the said Participants exhibiting their Bill in the Exchequer Chamber, for establishing their possession against those seven, obtained this Order[f]; *viz.* that the Kings Solicitor general should proceed upon the same in that Court, with all convenient speed; and in the mean time the possession of the lands in question to be held in quiet by the Plantiffs, as it had been formerly setled by the said Court, and enjoyed at any time since the said Decree made: and likewise, that their sutes at Law should be stayed by the Injunction of the same Court, untill the hearing of the cause, or that the Court gave farther order therein.

[f] Ibid.

Upon which Injunction the Shireeve had a Writ of assistance, and came with near a hundred persons to quiet the possession, and set up the Banks of those 4000 Acres first laid waste: But one *Daniell Noddel*, Solicitor for the beforementioned Inhabitants, hearing of the said Shireeve's coming, got together about four hundred men, and forced him, with all his assistants, to flie; and having so done, demolished what he the said Shireeve had before caused to be set up.

The Participants therefore, being thus forcibly kept out of possession, brought their Bill to hearing; which the said *Noddel* discerning, he drew in, to his aid, Lieutenant Colonell *John Lilburne* (a person of a most turbulent Spirit, and who since dyed a Quaker) and Major *John Wildeman*; and, whilst the cause was hearing, joyned with the said Inhabitants in a farther Riot, on the remaining 3400 Acres, which till then had been kept up; impounding the Tenants Cattel, and refusing to admit of Replevins, and so forced them to what rates they pleased for their redemption.

Axholme.

Whereupon the said Participants, not knowing otherwise what to do, complained several times to *Michael Monkton*, a Justice of Peace in those parts: who not only refused to grant any Warrants, or pursue any legal course for their preservation; but on the contrary gave encouragement to the Riotors; and upon an Indictment exhibited against some of them, in the Sessions, for these outrages, which was found by the Jury, some of the Justices there sitting, thinking it fit to fine the Delinqnents at 4 or 5 marks a piece; the said *Monckton* moved openly that their fines might be but six pence a piece; and insisted so earnestly thereon, that the fine imposed on them was no more than twelve pence a man.

Howbeit after this, *viz.* in *February* 1650. upon a full hearing in the Exchequer, a Decree was made for establishing the possession with the Participants; which being published on the place, in presence of divers of the said Inhabitants; they having gotten the influence of the said *Lilburne*, *Wildeman*, and *Noddel*; declared, that they would not give any obedience thereto, nor to any order of the Exchequer or Parliament; and said, that they could make as good a Parliament themselves: Some expressing that it was a Parliament of Clours; and that if they sent any forces, they would raise men to resist them; and thereupon proceeded to the defacing of the Church at **Santoft**; and within ten days time, did totally demolish the Town it self, with other Houses thereabouts, to the number of fourscore and two habitations, besides Barns, stables and Out-houses; as also a Windmill; and destroyed all the Corn and Rape then growing on the said 3400 Acres: the damage of all which amounted to fourscore thousand pounds, as appeared by the Testimonies of sundry witnesses.

All which waste and spoil being done; the said *Lilburne*, *Wildman*, *Monckton*, and *Noddel*, confederating together, made an agreement with several of the Inhabitants of **Epworth**, that in consideration of 2000 Acres of the said land, so

Axholme. they had right of Common, said they were not bound by the before-specified Decree: and therefore taking advantage of the present distractions: for then it was that the Parliament began to raise a powerful Army *for the safety of the King's person, defence of both Houses of Parliament, and of those who had obeyed their Orders and commands; and preserving the true Religion, Laws, Liberties and peace of the Kingdome* (as their votes and Remonstrances did set forth) a vast proportion of money and plate, being brought in, by the Citizens of **London**, and others, for that purpose; the King being at that time at **York**, with some slender guards (which they voted to *be a levying of warr against his Parliament*) they arose in tumults, brake down the fences and inclosures of four thousand Acres, destroyed all the Corn growing, and demolished the Houses built thereon.

c Ex præfatis depositionibus.

And c about the beginning of *February* ensuing, they pulled up the Floudgates of **Snow** Sewer, which by letting in the tides from the River of **Trent**, soon drowned a great part of **Hatfield** Chase; divers persons standing there with Muskets; and saying, that there they would stay till the whole levell were drowned, and the Inhabitants forced to swim away like Ducks: and so continued guarding the said Sluse for the space of seven weeks together, letting in the tides at every full water, and keeping the Sluse shut at an ebb. And about that time, likewise, some of the Inhabitants of **Fiserton**, pulled down another Sluse, neer that Town; which occasioned the River of **Trent** to break down the Banks and overflow the whole levell, so that the Barns and Stacks of Corn were drowned a yard high, at the least.

d Ibid.

And thinking this not to be mischief enough, the d Inhabitants of the Isle of **Axholme**, did about *Michaelmasse* in the year 1645 tumultuously throw down a great part of the Banks, and filled up the Ditches, putting in Cattel into the Corn, and Pastures of those that had been Adventurers for the drayning.

e The state of the case *ut supra.*

Whereupon the said Participants in this great and costly work, by their humble Petition e, exhibited to the Parliament in *December* following; presented, that after the expence of at least two hundred thousand pounds in those works, the Tenants of the Mannour of **Epworth**, notwithstanding their consents to that Decree before-specified, which had been passed in the Exchequer for settlement of what had been agreed on, and set out of that Mannour, for the said Participants and their Tenants, had in a tumultuous manner thrown down and laid waste a proportion of at least 74000 Acres of land, and destroyed a great quantity of Rape, and Corn growing, by forcible keeping and depasturing their Cattel thereon; as also demolished very many Houses, burnt others, cut and burned the Plows, beat and wounded those that were Plowing, or resisted them in any of those their outragious acts; and then threatned the drowning of the whole by cutting of the Banks, and misusage of the Slusses: and moreover, that they resisted the said Participants, in levying taxes for the repair of the works, to the great damage of the Common wealth in general, and scandal to the Justice thereof, in case these things should not be restrained, and the offenders to be punished.

For preventing therefore of the like mischiefs, and preservation of the peace of the Country, it was then ordered by the Lords in Parliament, that the Shireeve of the said County of **Lincolne**, and Justices of peace there, should, upon complaint made to them therein, punctually pursue the Statutes made in 13 *H.* 4. for suppressing of Riots and Routs, and call to their assistance, if need required, the Trained bands of the said County, and the Parliaments forces next adjoyning, to be aiding and assisting to the said Participants, in guarding and keeping these Slusses and Sewers; and in repairing what had been so demolished; and in levying the Taxes legally imposed, tending to the preservation of so good and beneficial a work to the common wealth: And for the setling of this businesse, they farther ordered, that the Shireeve of the County of **Lincolne**, for the time being, should, upon request to him made by the said Participants, appoint such a Deputy, within the limits of the same levell, for the sudden aiding and assisting of them (when need should re-

require) as they from time to time did desire.

And that this Order should be forthwith published, in the several Parish-Churches and Market-Towns of this County.

Which course being thus taken for restraint of those their tumultuous and riotous practices; seven of the Inhabitants of the said Mannour of **Epworth**, brought their actions at Law against the said Participants, for recovering of what had been so formerly setled by the beforespecified Decree, with their own consents.

Whereupon the said Participants exhibiting their Bill in the Exchequer Chamber, for establishing their possession against those seven, obtained this Order[f]; *viz.* that the Kings Solicitor general should proceed upon the same in that Court, with all convenient speed; and in the mean time the possession of the lands in question to be held in quiet by the Plantiffs, as it had been formerly setled by the said Court, and enjoyed at any time since the said Decree made: and likewise, that their sutes at Law should be stayed by the Injunction of the same Court, untill the hearing of the cause, or that the Court gave farther order therein.

[f] Ibid.

Upon which Injunction the Shireeve had a Writ of assistance, and came with near a hundred persons to quiet the possession, and set up the Banks of those 4000 Acres first laid waste: But one *Daniell Noddel*, Solicitor for the beforementioned Inhabitants, hearing of the said Shireeve's coming, got together about four hundred men, and forced him, with all his assistants, to flie; and having so done, demolished what he the said Shireeve had before caused to be set up.

The Participants therefore, being thus forcibly kept out of possession, brought their Bill to hearing; which the said *Noddel* discerning, he drew in, to his aid, Lieutenant Colonell *John Lilburne* (a person of a most turbulent Spirit, and who since dyed a Quaker) and Major *John Wildeman*; and, whilst the cause was hearing, joyned with the said Inhabitants in a farther Riot, on the remaining 3400 Acres, which till then had been kept up; impounding the Tenants Cattel, and refusing to admit of Replevins, and so forced them to what rates they pleased for their redemption. Axholme.

Whereupon the said Participants, not knowing otherwise what to do, complained several times to *Michael Monkton*, a Justice of Peace in those parts: who not only refused to grant any Warrants, or pursue any legal course for their preservation; but on the contrary gave encouragement to the Riotors; and upon an Indictment exhibited against some of them, in the Sessions, for these outrages, which was found by the Jury, some of the Justices there sitting, thinking it fit to fine the Delinqnents at 4 or 5 marks a piece; the said *Monckton* moved openly that their fines might be but six pence a piece; and insisted so earnestly thereon, that the fine imposed on them was no more than twelve pence a man.

Howbeit after this, *viz.* in *February* 1650. upon a full hearing in the Exchequer, a Decree was made for establishing the possession with the Participants; which being published on the place, in presence of divers of the said Inhabitants; they having gotten the influence of the said *Lilburne*, *Wildeman*, and *Noddel*; declared, that they would not give any obedience thereto, nor to any order of the Exchequer or Parliament; and said, that they could make as good a Parliament themselves: Some expressing that it was a Parliament of Clours; and that if they sent any forces, they would raise men to resist them; and thereupon proceeded to the defacing of the Church at **Santoft**; and within ten days time, did totally demolish the Town it self, with other Houses thereabouts, to the number of fourscore and two habitations, besides Barns, stables and Out-houses; as also a Windmill; and destroyed all the Corn and Rape then growing on the said 3400 Acres: the damage of all which amounted to fourscore thousand pounds, as appeared by the Testimonies of sundry witnesses.

All which waste and spoil being done; the said *Lilburne*, *Wildman*, *Monckton*, and *Noddel*, confederating together, made an agreement with several of the Inhabitants of **Epworth**, that in consideration of 2000 Acres of the said land, so

Axholme. wasted, to be given to *Lilburne* and *Wildman*, and 200 Acres to *Noddell*, they the the said *Libburne*, *Wildman*, and *Noddel*, should defend them from all those Riots past, and maintain them the said Inhabitants, in possession of all the rest of the 7400 Acres, before laid waste, and keep them drie; and in accomplishment of that agreement, sealed Deeds accordingly. VVhich being done, the said *Lilburne* and *Noddel*, with some others came to **Santoft** Church, on the Sunday, and forced the *French* Congregation from thence, telling them that they should not come thither, except they were stronger than they.

And after this, the said *Lilburne* and *Noddel* went to another Lordship, called **Crowle**, where they agreed with some of the Inhabitants thereof, to get their Commons again, as **Epworth** had done; advising them to impound the Tenants Cattell; and that if any Replevin were brought, they should impound them again, and break down their Fences, and eat up their crops; and so tire them till they had attorned Tenants to them; all which they did accordingly. The Tenants therefore being thus terrified, and seeing their condition no better than their Neighbours, took Leases from *Jasper Margrave* and *George Stovin* (two of *Lilburnes* Confederates) who gave bonds to save them harmlesse: by which practice and the former force, the Petitioners became outed of their possessions in both these Mannours. And at the making of those Leases *Noddel* declared openly, in the presence of divers persons, that he would lay xx s. with any man, that assoon as *Lilburne* came to **London**, there should be a new Parliament; and that *Lilburne* should be one of them, and call that Parliament to account: Farther adding, that they having now finished this of **Lincolnshire** (meaning gotten the land from the Petitioners) they would go into **Yorkshire** (*id est* the rest of the levell) and do the like there; and then they would give the Attorney General work enough to do.

And *Noddel* said at another time, that now they had drawn their case, they would print it, and nail it at the Parliament dore; and if they would not do them justice, they would come up; and, making an out-cry, pull them out by the ears. And having thus possest themselves of the proportions above mentioned, they dimised several parts thereof to sundry persons; *Lilburne* himself repairing the House, which had been built for the Minister, and almost pulled down by the Rioters, put his servants to reside and keep possession in it, and imployed the Church for a stable and Barn.

A Narrative of all which barbarous outrages and high insolencies of the before-specified *Lilburne*, *Wildman*, and *Noddel*, with their confederates, were drawn up in writing by a Committee of the said Parliament to be represented to the House: but that Parliament being dissolved by the power of the Army, *April* 10th 1653. which was before this Report could be made by that Commitee; the Council of State (which was set up about ten days following) did send for it; and made reference thereof to a select Committee of the same Council; who also farther examining the business, and finding what had been so deposed and reported, to be true, signified as much to the said Council of State; whereupon they did order, that the forces of the Army, quartering in the levell of **Hatfield Chase**, or within the Counties of **Yorke**, **Lincolne**, and **Nottingham**, or any of them; or any other that then were, or might be in those parts, should be aiding and assisting to the Officers of Justice, and the said participants, for setling and establishing the possession of the 7400 Acres of those late improved lands, within the Mannour of **Epworth**, in the said Report mentioned, with the said participants; and also for executing the Decrees and Orders of the said Court of Exchequer, or any Courts of Justice touching their possession therein; and likewise for preventing such Riots and outrages for the future. And in respect of the great damage suffered by the said participants and their Tenants; they farther ordered, that the Commissioners of the great Seal, for the time being, should award a special Commission of *Oyer* and *Terminer* to the Judges of Assize for the said respective Counties, to try the Ryotors and to punish them according to Law and Justice; and to enquire of the damages suffered, as aforesaid, by the said participants

cipants and their Tenants; to the end, that they might have juſt reparations for the ſame. VVhich order beareth date at *White Hall* the 31th of *Auguſt* 1653.

But notwithſtanding this, & the former Orders and Letters of the Parliament & Council, the ſaid Inhabitants ſtill continued in their riotous & rebellious poſture, not giving any obedience thereto, nor to the Decrees and Orders of the Court of Exchequer, nor Precepts of the Court of Sewers; ſtanding in defiance and oppoſition to all Authority.

Upon another Petition, therefore, preſented by the ſaid participants and their Tenants, together with a Remonſtrance of the Commiſſioners of Sewers unto the Lord Protector and his Council; an Order of reference was made upon the *xv*th of *April* 1656. to the Lord *Fienes* then one of the Commiſſioners of the great Seal, the Lord *Lambert*, Major General *Deſborough*, the Lord *Liſle* and the Lord *Strickland* (for ſo they were then called) or any three of them, to conſider of the ſaid Petition, and report their opinion therein to the Council.

The ſaid Lords therefore requeſted Major General *Whalley* to call both parties before him, and to examine the whole matter ſet forth in the before-ſpecified Petition, and make report thereof unto the ſaid Committee; which he did accordingly; manifeſting, from ſufficient Teſtimony, the guilt of thoſe Ryotors, in all the outrages before expreſſed. Arbolne.

VVhereupon the Council of State, by their Letters dated at *Whitehall* 21° *Auguſti* 1656. and directed to the ſaid Major General *Whalley*, recommended the redreſſe thereof to his care; and to that end deſired him to improve his endeavour upon all occaſions, to prevent any farther Ryots and miſdemeanors in thoſe places; and in order thereto, to puniſh ſuch their ſcandalous diſobedience, according to his inſtructions; and not to ſuffer the ſaid Inhabitants to keep by them any Arms or other Inſtruments for their future acting of the like; and moreover to appoint ſome of his Regiment to be effectually aiding and aſſiſting to the Shireeves of the reſpective Counties within his aſſociation, or the Deputies and Collectors of the Court of Sewers, for the putting in execution from time to time, the Decrees, proceſſe, and Orders, of any the Courts at Weſtminſter, or of the Commiſſioners of Sewers; to the end that the improvers juſt Rights might be reſtored according to Law, and the ſaid Strangers have the peaceable exerciſe of their Religion, in the place deſigned for the publick meetings to that purpoſe.

The Marshes upon Ankholme.

CAP. XXVIII.

FRom **Arholme** I come next to those Marshes upon the River of **Ankolme**, lying in the Northwest part of this County: concerning which, the first mention that I have seen in Record, is in *16 E.* 1. the King then directing his VVrit [a] of *Ad quod dampnum* to the Shireeve of this County, to enquire, whether it would be hurtful to him or any other, if the course of that water, then obstructed from a place called **Bishop's Bygge** to the River of **Humbre**, were opened; so that the current of the same might be reduced into it's due and antient Chanel. VVhereupon a Jury being impanelled accordingly, and sworn, did say [b] upon their Oaths, that it would not be to the damage of the said King, nor of any other, but rather for the common benefit of the whole County of **Lincolne**, if the course of that River, obstructed, in part, in divers places, from **Bishop's Bygge** to the River of **Humbre**, were open. And they farther said, that by this means, not only the Meadows and Pastures would be drayned, but that Ships and Boats laden with Corn and other things, might then more commodiously passe with Corn and other things from the said River **Humbre** into the parts of **Lindsey**, than they at that time could do, and as they had done formerly.

a Esc. 16 E. 1. n. 47.
b Esc. 16 E. 1. n. 47.

VVhereupon, about two years following, the King did constitute [c] *Gilbert de Thorntone*, *John Dive*, and *Raphe Paynell* his Commissioners to cause that Chanel to be so scoured and clensed.

c Pat. 18 E. 1. m. 30. in dorso.

The like Commission [d] had the said *Gilbert* and *Raphe* in 23 *E.* 1.

d Pat. 23 E. 1. m. 15. in dorso.

And in *6 E.* 2. the King being informed [e] that the Chanel of the said River of **Ancolme**, from **Bishop's Bygge** to the Bridge at **Feryby**, which ought and had wont to be fourty foot broad, was then grown so narrow for fault of clensing and scouring, that in some places it extended not to three foot in bredth; so that a great part of the adjacent lands, were thereby frequently overflowed and drowned: and that men and Cattel passing over **Glaunford bygg**, in the time of such Flouds, were seldome out of danger; he assigned [f] the said *Raphe Paynell* and *Henry Bajocis* to enquire the truth thereof, and to cause redresse therein to be made.

e Pat. 6 E. 2. p. 1. m. 17. in dorso.
f Pat. 6 E. 2. p. 1. m. 17. in dorso.

Divers other Commissions also do I find to the same purpose; *viz.* in 3. *E.* 3. to [g] *John de Heselarton*, *Peter de Ludington*, *Simon de Grimesby*, and *Richard de Navilton*, for the clensing thereof, from **Glaunford bygge**, before-specified, to the River of **Humbre**: And likewise for the scouring of certain Sewers, betwixt **Elsham** and **Feriby**, for default whereof the Lands thereabouts were overflowed.

g Pat. 3 E. 3. p. 1. m. 31. in dorso.

In 19 *E* 3. to [h] *Richard Eyroun*, *Will. Disny*, *Will. de Hardeshull*, *Will. Darcy*, *John de Arches*, and *Roger de Nevill*, for the clensing of those Sewers betwixt **Bishop's Bygge** and **Feryby bygg**.

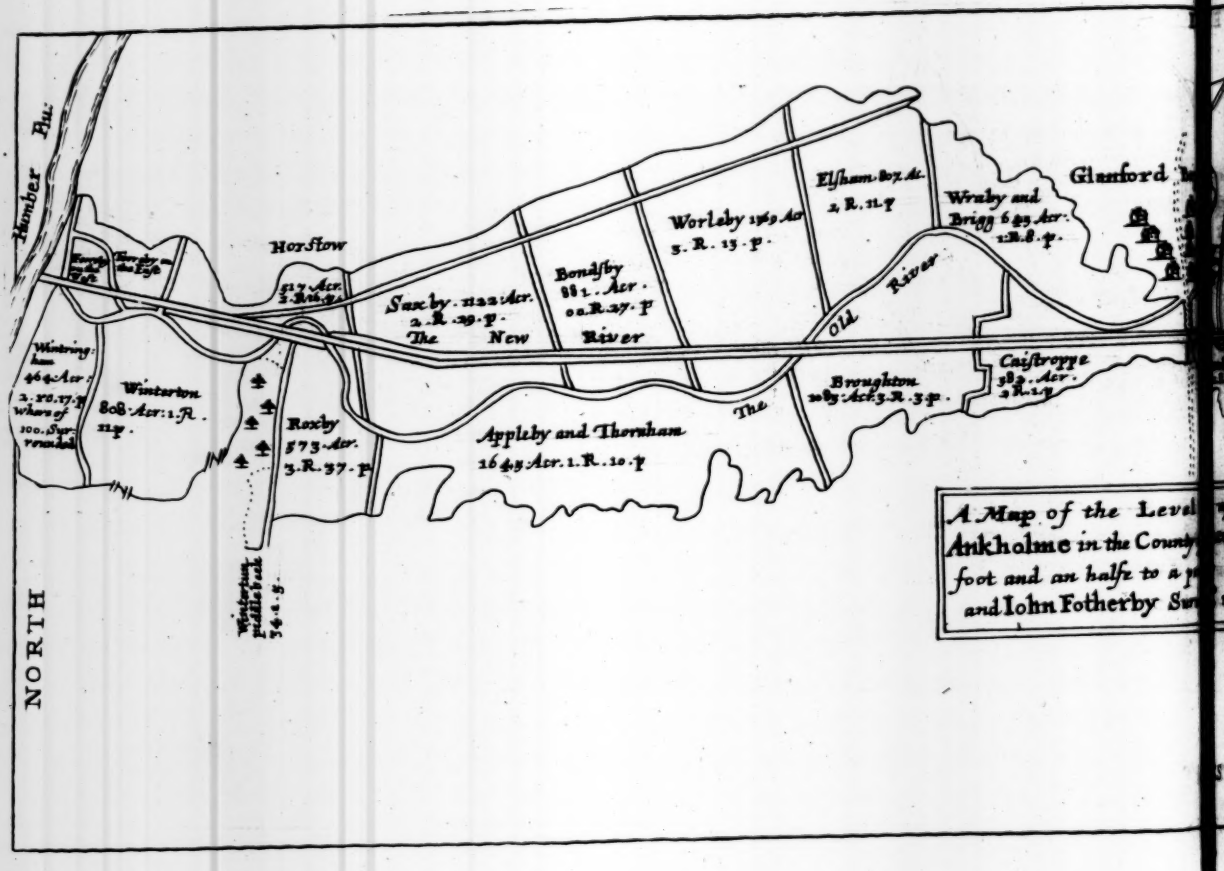
h Pat. 19 E. 3. p. 1. m. 18. in dorso.

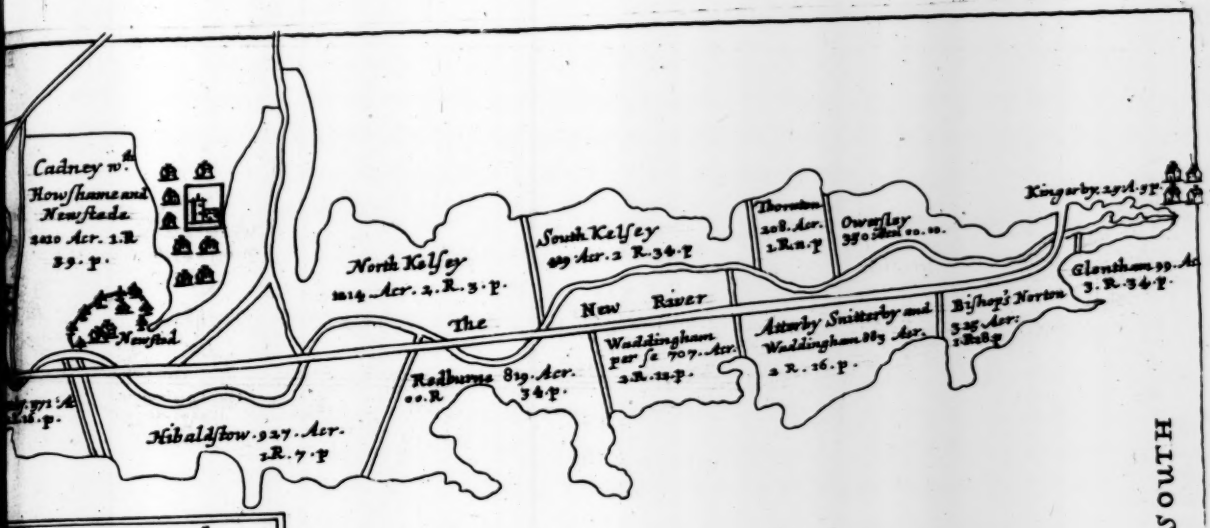
In 23 *E.* 3. to [i] *John de Hothum* of **Bondeby** *junior*, *Richard Paynell*, *Will. de Skipwith*, *John de Arches*, *Raphe de Redford*, and *John Cokand*, for scouring the said Chanel from **Glaunford bygge** to the River of **Humbre**, to the bredth of *xl* foot as it ought and wont to be; as also of the Sewers betwixt **Elsham** and **Feriby**: and to make enquiry concerning certain new Sewers, made from the said Town of **Elsham** to **Feryby** by some of the Inhabitants of those parts, by their own authority, which had occasioned much overflowing of the waters thereabouts.

i Pat. 23 E. 3. p. 1. m. 6. in dorso.

In 30 *E.* 3. to [k] *Adam de Everyngham* of **Rokleye**, *Will. Disny senior*, *Will. de Bray*, and *William Wascelyn*, for clensing the

k Pat. 30 E. 3. p. 2. m. 11. in dorso.


Humber Riv:
Horstow
517 Acr.
3. Rds. 8 P.
Saxby. 1122 Acr.
2. R. 29. P.
The New River
Bonaſby
81. Acr.
00. R. 27. P
Worlaby 1369 Acr
3. R. 13. P.
Elſham 807 Ac.
2. R. 11 P
Wrauby and
Brigg 649 Acr.
1. R. 8. P.
Glanford
Old River
Caiſtroyge
383. Acr.
2 R. 2 P
Broughton
1089 Acr. 3. R. 35 P.
The
Appleby and Thornham
1643 Acr. 1. R. 10 P
Roxby
573 Acr.
3. R. 37. P
Winterton
808 Acr: 1. R.
21 P.
Wintring-
ham
464 Acr
3. 20. 17. P
Whereof
100. Sur-
rounded
NORTH
A Map of the Level
Ankholme in the County
foot and an halfe to a p
and Iohn Fotherby Sur



upon the River of
me according to xvi
Francis Wilkinson
1640.

Lindsey. the Chanel of **Ancolme**, as aforesaid.

1 Pat. 36 E. 3. p. 1. m. 6. in dorso. In 36 *E.* 3. to [l] *Raphe Paynell*, *William Bray*, *Will. Waſcelyn*, and *Raphe de Redford*, for the ſame purpoſe.

m Par. 39 E. 3. p. 2. m. 31. in dorso. In 39 *E.* 3. to [m] *Will. Drax*, *William Waſcelyn* and *will. Darcy*, for cleanſing thereof betwixt **Biſhops bygge** and **Humbye**. So likewiſe in 40 *E.* 3. to

n Par. 40 E. 3. p. 1. m. 34. in dorso. [n] *John de Boys*, *Thomas de Fulnetby*, *Raphe de Redford*, *William Waſcelyn*, and others.

o Par. 15 R. 2. p. 1. m. 37. in dorso. And in 15 *R.* 2. to [o] Sir *Philip le Deſpenſer*, Sir *Philip Darcy*, and Sir *Henry Retford* Knights, *John Poucher*, *Will. Croſby*, *Gerard Sothill*, *Rob. Tirwhit*, and *will. de Garton*, for the view and repair of the Banks, betwixt the Town of **Weſt-Raſyn**, and the River of **Humbye**, then broken in divers places through the force of the Tides, and flouds of freſh waters deſcending down the Chanel of **Ancolme**.

p Plac. coram. Rege term. Trin 4 H. 4. rot. 13. Linc. Upon a pleading [p] in 4 *H.* 4. it was found, that the Preſentment made in the Shireeves turn, at **Caſtre**, againſt the Abbot of **Roche**, that he ought to repair and cleanſe the Chanel of **Ankholme**, was inſufficient; in regard it did not ſpecifie, that the ſaid water did overflow the Banks thereof, to the damage of the neighbouring Villages; neither ſpecially, nor generally. And alſo becauſe that the ſaid Shireeve did amerce the ſame Abbot in *xl*[l]. which amerciament ought to be affered by four or two of the Jurors.

In 6 *H.* 5. *Rob. Tirwhit*, *Will. Ludington*, *Richard Haunſard*, *Thomas Handley*, *Walt. Talboys*, *John Talboys*, *Thomas Enderby*, *Richard Hawe*, *John Veer*, and *Rob. Ferby* were appointed [q] to view and repair the Banks and Sewers upon the ſaid River of **Ankholme**, from **Biſhops bygge** to the water of **Humbye**, and the interjacent places: And to proceed therein according to the Law and Cuſtome of this Realm.

q Pat. 6 H. 5. p. 1. m. 21. in dorso.

And in 22 *E.* 4. *Will. Tirwhit* Eſquire, *Robert Shefeld*, *Thomas Moigne*, *John Moigne*, *Thomas Hanſerd* Eſquire, and *John Barde* had [r] the like appointment: And to make fit and covenable Laws and Statutes for the preſervation of thoſe Banks and Sewers, according to the Laws and Cuſtomes of **Romeney** marſh: As alſo to take and imploy ſo many Diggers and other Labourers in that work upon convenient wages, as ſhould be needfull for the ſame, in regard of the urgent neceſſity of expedition to be had therein.

r Pat. 22 E. 4. p. 1. m. 22. in dorso.

The Marſhes upon Ankholme.

Howbeit, after this time, till the *xi*th year of the reign of the late King *Charls*, I have not obſerved any thing elſe of moment, concerning theſe Marſhes: but then, at a general Seſſion of Sewers, held at **Glamford bygge**, upon the laſt day of *March*, in the ſaid year, for drayning of the Fenns and Carrs, lying on both ſides of the before-ſpecified River of **Ancholme**, in the Lordſhips of **Glentham**, **Biſhops Norton**, **Atterby**, and ſeveral other; it was then and there ordered [a] by *Will. Tirwhit*, *Will. Anderſon*, *Marmaduke Darell*, *Samuell Owfield*, *Stephan Anderſon* Eſquires; and *Richard Nelthorpe* Gentleman, his Majeſties Commiſſioners, that a Tax of *xiij s. iiij d.* ſhould be aſſeſſed upon every acre of land; found in a verdict of the ſaid Seſſion, in the Towns and places aforeſaid, for the drayning of thoſe Fenns &c. and making a Sluſe; or Clow, near the out-fall of the ſaid River.

10 *Car.*

a Ex ejuſdem Decreti exemplificat. per *Joh. Monſon* m. l. de balneo. an. 1659.

VVhich ſaid ſumms being not paid accordingly, the before-ſpecified Fenns could not be taken in hand: there was therefore another Commiſſion ſhortly after directed to Sir *Robert Bell* Knight, Sir *Edward Aſcogh* Knight; Sir *William Pelham* Knight, *Will. Tirwhit*, *Will. Anderſon*, *Edmund Anderſon*, *George Glapthorne*, and *Edward Tourney* Eſquires, who, by virtue thereof ſate at **Glamford bygge** aforeſaid, upon the *xxiiij*th day of *Auguſt*, then next following: where they the ſaid Commiſſioners, did decree [b] and ordain, that thoſe Fens ſhould be forthwith taken in hand; and to that end treated with ſome Forein Undertakers; whoſe demands being found too high, and all other Gentlemen refuſing, Sir *John Munſon*, Knight of the Honourable Order of the Bathe (a perſon eminently qualified with learning, and ſundry other ample endowments) having a fair eſtate in this County, and no ſmall proportion of theſe ſurrounded Marſhes; out of a noble deſire to ſerve his Country; declared, that he would be the undertaker thereof himſelf, upon the terms that had been propoſed by the Commiſſioners

b Ibid.

The Marshes upon Ankholme.

sioners unto those Foreiners: and, to lay the greater obligation upon them, left every Free-holder at liberty to adventure for his own share, if they thought fit upon the same rates, and giving them a months time to consider of it. Of which offer most of the great Lords and owners of that Level accepted.

Whereupon the said Commissioners decreed [b]; First, that he the said Sir *John Monson* should and might forthwith set upon the work, and accomplish it within the space of the six next ensuing years.

b Ibid. 1

2 Secondly, that all the said grounds, being so drayned, should for ever afterwards continue for meadow and pasture, excepting some quantity thereof, not exceeding *CC* acres, which was to be left for Lakes and sikes, for the reception of superfluous water within the same.

3 Thirdly, that he the said *Sir John*, his heirs and Assigns, should at their own costs repair and keep all Drayns and Sluses which were to be made conducing thereto: And, for the better preserving of the said work, to make such new Drayns and Sluses, with Cart bridges over them, where need should be, in such places as any six Commissioners of Sewers, for the time being, should think fit.

4 Fourthly, that in consideration of this great work, he the said Sir *John*, his heirs and Assigns should have and enjoy five thousand eight hundred and twenty seven acres of the said Fenns and Marshes; discharged from all Commons, Titles, Chardges, Interest and demand of all or any persons whatsoever, to be assigned and allotted to them out of the said Lordships, or any six of them, before the Feast-day of *S. Michael* the Arch-Angel, in the year of our Lord 1636. to be enjoyed from the time that the said grounds should be adjudged to be drayned by the before-specified Commissioners.

5 Fiftly, that if through the neglect of the said *Sir John Monson*, after the end of those six years, the above-mentioned grounds should happen to be again surrounded, and so continue for the space of one whole year together; and that by view and judgement of the Commissioners, the same should be so certified into the Chancery; that then, in case it were not again inned, and made fit for erable, within six months after such certificate transmitted into the Chancery, it should be lawful for the owners of the said grounds, and their heirs, to enter into two thousand Acres of the said five thousand eight hundred twenty and seven Acres, untill the said grounds, so drowned, should be again recovered by the said Sir *John Monson &c.* Lindsey.

Sixtly, that every person who had lands adjoyning to those drayned grounds, which should happen to be bettered by this drayning, should pay unto the said Sir *John*, his heirs or Assigns, for every Acre so improved, so much as by six of the Commissioners of Sewers for the time being, should be adjudged fit. 6

Seventhly, that in case the said River of **Ankolme**, should, in order to this drayning, be diverted by any new cut, such Lords of Mannours, and others, as have had liberty of fishing in the old Chanel, should in lieu thereof, have the like benefit and liberty in the new. 7

Eighthly, that where any mans ground should happen to be cast from his Lordship, to the other side of the River; the same person, his heirs and assigns to have free ingresse and egresse to and from the same, through the Lordship of him to which it should be so cast. 8

VVhich Decree of the before-specified Commissioners was exemplified under the great Seal of **England**, by the Kings Letters Patents, bearing date 27° *Octobris* 14° *Caroli*.

After which, at another Session of Sewers, held by adjournment, at **Glamford bригge** aforesaid, the fourth day of *May* in the *xiiij*th year of the said K. *Charles*, by and before *William Amcot*, *John Broxholme*, *Marmaduke Darrell*, *Thomas Nethercot*, *Roger Gregory*, and *Mich. Mounckton* Esquires; *Tho. Hely*, *Henry Sandwith*, *John Barnard*, *Edw. Nelthorpe*, *Tho. Farmery* and *William Darvin* Gentlemen, Commissioners appointed for this Level upon the River of **Ankolme**, extending from **Bishops bригg**, on the South, to **Ferriby bригg** on the North; and from thence to the low water mark in **Humbre**, and into the Mannours of **Glentham**, **Bishop's Norton**, and divers others; after recital of the Decrees and

Lindsey. and Ordinances made in the two former Sessions of 11° *Caroli*, before taken notice of: And, that at a Session of Sewers held likewise at **Glamford brigg** aforesaid, by and before *William Amcott*, *Marmaduke Darrell*, *John Broxholme* Esquires, and others, it was adjudged and declared, that the said Sir *John Monson* had, with the expence of great summs of money, well and sufficiently drayned and recovered those Fens and surrounded grounds, according to the tenor of the said Law, made the 24th of *August* in the said 11th year of King *Charles*; the said *Will. Amcott* and his associates above-mentioned, did declare[d]; that upon view and perambulation through the said levell, they adjudged that the said Sir *John Monson* had sufficiently drayned, and recovered those surrounded grounds, according to the first undertaking therein.

[d] Ibid.

And that therefore, considering the great chardge, which he the said Sir *John* had been at therein; and the advantage which had already accrued, and would farther accrew to the Lords and owners, and all others interessed in the same: as also the further chardge, which he the said Sir *John* was like to sustain therein, did adjudge to him the said Sir *John* and his heirs, the before-specified quantity of five thousand eight hundred twenty and seven acres, according to the Statute *de terris mensurandis*, of the said Fenny grounds; to be severed and divided in such sort from the said other grounds, as he the said Sir *John Monson*, his heirs or assigns should think most convenient. Which said number of Acres were accordingly assigned out of the several Lordships *&c.* so drayned; according to a particular schedule, whereby the number out of each is expresst. All which was exemplified in the said Kings Letters Patents, dated at **Westminster** 24° *Februarii* 15° *Caroli*, the said Commissioners and every interessed person seeming very well satisfied therewith.

Nevertheless, of such pernitious spirits were divers of the Free-holders and Commoners, that, taking advantage of the late troubles in this Realm, they did, about the beginning of the late warrs, re-enter upon those lands; by reason whereof, not only the works became neglected, but the drayns have been filled up, and Sluses decayed. And though the said Sir *John Monson* made his complaint to those, who of late years took upon them regal power under the name of the Parliament of the Commonwealth of **England**; yet did he obtain no redresse therein.

The Marshes upon Ankholme

Cap. XXIX.

Now come to those Banks and Sewers, in the other parts of this Province of **Lindsey**, whereof some do lye upon the South side of **Humbre**, and the residue upon the Sea coast. Lindsey.

The first mention of these, wherewith I have yet met, is by a Fine * levyed at **Lincolne**, upon the morrow after the Feast of the blessed Virgins Purification in 41 *H.* 3. before *John* Abbot of **Peterborough**, *Roger de Thurkelby*, *Peter de Perci*, *Nicholas de Hanlou*, and *John de Wyvile* Justices Itinerant and others, betwixt *Raphe* Abbot of **Croyland**, *Gilbert de Gaunt*, *Robert de Welle*, *Robert de Wilgeby*, *Nicholas de Grendale*, *Jollane de Hamby*, and *Gilbert de Orreby* Plaintiffs; and *William de Gaunt*, and *Alice* his wife deforciants, concerning a certain Sewer, which they claimed to have in the lands of the said *William* and *Alice*, in **Humby**, and **Hoggesthorpe**: By the which Fine the said *William* and *Alice*, did grant, for themselves and the Heirs of the said *Alice*; that the before-specified Abbot and his successors, as also the said *Gilbert de Gant*, and the rest, and their heirs; together with all the Tenants of the Fee of *Guy de Crun*, *Gilbert de Gaunt*, and *Robert de Tatersale*, betwixt the Towns of **Brunthorpe** and **Orreby**, should have a certain common Sewer, through the midst of the lands of the said *William* and *Alice*, and the heirs of the said *Alice*, in **Humby** and **Hoggesthorpe**, of *xxiiij* foot in bredth, for the drayning of all their lands within that Fee (saving that the said *Gilbert de Orre-*

* Ex ver. membrana pen. *Montagu* Comi. de Lindsey. an. 1660.

Lindsey.

by, and his heirs, should not drayn above three hundred Acres of land:) so that the same Sewer should begin from **Frethermerskilde**, and so extend it self to the Sea, by these following bounds; *viz.* from **Frethermerskilde** to **Kamericroft**; thence to **Gymescrike**, and so through the midst of **Haverholm**, and the midst of **Boyntoft** Common, unto the Sea-bank; thence to a certain bank, called **New Haven**, through the middle of the Fen, unto the Sea; and that the said Abbot and his successors, as also the said *Gilbert*, *Robert &c.* and their heirs, should have liberty to scour, clense, and repair the said Sewer, and cast the earth on each side thereof, at their pleasure, without the impediment of the said *William* and *Alice*, and the heirs of the said *Alice*, for ever: For which grant and concession, the said Abbot, *Gilbert*, *Robert &c.* gave to the said *William* and *Alice* the summ of *xx* l. sterling.

And the said Abbot, for himself and his successors; as also the said *Gilbert*, *Robert &c.* for themselves and their heirs, did then Covenant to make and maintain three Bridges, over the same Sewer, at their own proper costs and chardges, by which Carts and Carriages might have passage; and likewise one bridge betwixt **Frethemskilde** and **Camericroste**; and two bridges betwixt **Haverholme** and the Sea-bank; and one bridge for foot folk, betwixt the Church of **Munby**, and the Chapel of *S. Leonards* in that Town: and moreover a certain Gutter at the Sea-bank, by which the water which cometh through the said Sewer, may alwayes passe into the Sea: so that if the said Abbot or his successors, and the said *Gilbert*, *Robert &c.* or their heirs, should fail in maintaining and repairing the said Sewer, Bridges, or Gutter, it might be lawful for the said *William* and *Alice*, and the heirs of the said *Alice*, to distrain their Cattel found in any of the lands of the said Fee, untill the repairs of the said Sewer, Bridges, and Gutter should be repaired.

After this, *viz.* in 8 *E.* 1. the King directed his VVrit [a] to *John Beke* and the Shireeve of this County; commanding them to enquire by the Oaths, as well of Knights as other honest and lawful men, within his precincts, whether it would be to the damage of the said King, and the Inhabitants of this Country, if the course of the River of **Friskeney** were diverted, and brought into the Town of **Gymesby**, for the better opening of that Port, which was then so filled up with silt and mud by frequent inundations, that ships could not have free ingresse and egresse out of it.

[a] Esc. 8 E. 1. n. 73.

VVhereupon a Jury being accordingly impanelled and sworn, did say upon their Oaths, that the said River might be so diverted, without any damage to the King, but to the prejudice of divers of the Country; *viz.* of *William de Apeltrefeud*, who then had the seat of a Mill, which he might, if he pleased, new build, whereby it would yield him four pounds and two shillings by the year: And that it would be to the damage of Sir *Walter de la Lynde* two shillings, which he had wont to receive for drying of Nets upon his land: And to the damage of *Gilbert* of **Little Cotes**, *Robert de Kirketon*, Sir *Walt. de la Lynde*, *Philip de Wyneleſby*, and their Tenants, four shillings; and four shillings yearly, for two acres and an half of pasture.

And they said, that if it hapned the same water of **Friskeney** to passe by **Milnewell Creeke**, the Town of little **Cotes** would lose it's Common of pasture of two hundred Acres and more, except they should have a sufficient Bridge for Carriages and Cattel to their said pasture: And moreover that if the same water should be brought to **Milnewel Cryke**, as the Inhabitants of **Gymsby** desired, it would be forced back by the Sea-tides, and overflow the land at great **Cotes**, little **Cotes**, and **Lysteby**, to the damage of those Towns *xl* l. *per annum*; except the Chanel of **Mylnewelcryke** were sufficiently digged, and strong Sluses made to keep back the tides.

And they moreover found, that the said water was near to the same town of **Gymesby**; and that the Chanel, so made, ought to contain in length *Cxl* perches, and every perch to be *xx* foot in length, and in bredth *xij* perches: And that the Burgesses of that Town might have benefit by the said current of water, for the clensing of their Haven;

and

and that it might be yearly worth *vi*s. *viij*d.

b Plac. coram Rege term. *Mich.* 18 E. 1. rot. 45. *Linc.*

Upon a pleading [b] in 18 *E.* 1. touching the repair of a Sea-bank at **Theddelthorpe**, in a certain place there, called **Potjun**, it appeareth, that the King aſſigned *Will. de Carleton* and *Will. de Candeleſby* to view the ſame, and to take order for the repair thereof; who thereupon ordained, that every Acre ſhould be taxed alike for ſupporting the chardge thereof, notwithſtanding any Cuſtome to the contrary: but the buſineſſe was not fully determined at that time, becauſe the Jurors appeared not till the Octaves of *S. Martin.*

Vide Plac. de term. *Mich.* 19 E. 1. rot. 14.

c plac. de Banco term. *Mich.* 26 E. 1. rot. 43. *Linc.*

In 26 *E.* 1. upon a ſute [c] concerning the repair of the Ditches and Sewers at **Waynflete**, the Jurors found, that the Cuſtome of that Town was ſuch, that the Ditches there ought to be cleanſed every year for the drayning the lands belonging to that place; and that every Inhabitant thereof, having lands there, ought to be aſſeſſed and taxed according to the quantity of his lands, to contribute to the chardge of ſuch cleanſing and ſcouring of them. And they alſo found, that one *Roger* the Son of *Walter de Waynflet*, being then aſſeſſed at two ſhillings for *xxiiij* Acres of land, which he held there, denyed not the ſaid Cuſtome; but alleged that the mony taxed for thoſe repairs, ought, according to the ſaid Cuſtome, to be levyed and collected by certain of the Inhabitants of the ſaid town, called *Dyke-rieves*, and not by any others.

d Plac. de Banco 27 E. 1. rot. 50. *Linc.*

The next year following, upon a ſute [d] commenced by *Alan* the ſon of *Peter le Toller* of **North Weynflete**, againſt *William le Toller*, for the diſtraining of his Cattel at **South Weynflete**, in a certain place called the **Sale ham**; the ſaid *William* juſtified the taking of that diſtreſſe; and ſaid, that ſuch was the Cuſtome in that Town of **North Waynflete**, that as oft as the Sewers there made for drayning of their lands, did want repair, they ought to be viewed by the Commonalty of that place: and that thereupon, every perſon having lands and Tenements there, ought to be aſſeſſed for the repair of thoſe Sewers according to the proportion of his ſaid lands. And the ſaid *William* farther affirmed, that the ſaid *Alan* was aſſeſſed, by the before-ſpecified Commonalty, for the repairing of ſeven Perches of a certain Ditch, oppoſite to a place called **Cannon dayle**, by reaſon of ſeven acres of land, which he held, that in former time belonged to the Anceſtors of one *John de Bardne*, and lay abutting upon that Ditch where the ſaid ſeven Perches wanted repair; and that he the ſaid *Alan* neglecting to repair the ſame, was diſtrained as aboveſaid. Whereunto the ſaid *Alan* made anſwer, that he did acknowledge the before-ſpecified Cuſtome; yet ſaid, that he was not to perform thoſe repairs in reſpect of the ſeven Acres above-mentioned, but for other Tenements, *viz. xl* Acres of land, with the appurtenances, lying in **Waynflete** aforeſaid. **Lindſey.**

And in the ſame year, upon another ſute [e] betwixt the ſaid parties, upon the taking of the like diſtreſs, the before-ſpecified *William* avowed; that ſuch was the Cuſtome in that Town of **North Waynflete**, that certain of the Inhabitants thereof were aſſigned to view the Marſh-Ditches therein, every year on the Feaſt day of *S. Andrew*, and to preſent the defaults which they ſhould find in them, at the next Court of *Henry de Lacy*, Earl of **Lincolne**, then Lord of that Town: And that every Tenant of that Lordſhip, who ought to make any repairs there, to be amerced in *xvi*d. at the ſaid Court. VVhereunto the ſaid *Alan* anſwered; that there might have been a ſufficient diſtreſſe found by the ſame *William*, and not to have taken his Cattel, which were for the Plow.

e Plac. de Banco Octab. *Mich.* 27 E. 1. rot. 141. *Linc.*

In 28 *E.* 1. *Thomas de Burnham* and *Raphe de Friſkeneye* were conſtituted [f] Commiſſioners to view and repair the Banks and Sewers, in the Marſhes of **Merſe** and **Lindeſeye**; and chiefly the obſtruction of a Sewer in thoſe Marſhes, called the **Flete**.

f Par. 28 E. 1. m. 13. in dorſo.

So alſo were [g] *Thomas de Burnham* and *Gilbert de Toutheby* for thoſe Ditches and Gutters in **North Weynflet**.

g Ib. m. 11. in dorſo.

Divers other Commiſſions, of the like nature, do I find, *viz.* in 32 *E.* 1. to [h] *William Howard*, *Thomas de Burnham*, and *Raphe de Freſkeneye*, for the view and repair of all the Banks, and Ditches, upon the Sea-coaſt, in theſe parts of **Lindeſeye**. In 33 *E.* 1. to [i] the ſaid *Thomas de Burnham* and *Thomas de Gun-*

h Pat. 32 E. 1. m. 2. in dorſo.

i Pat. 33 E. 1. m. 3. in dorſo.

Lindſey.

by, and his heirs, ſhould not drayn above three hundred Acres of land:) ſo that the ſame Sewer ſhould begin from **Frethermerſkilde**, and ſo extend it ſelf to the Sea, by theſe following bounds; *viz.* from **Frethermerſkilde** to **Kamericroft**; thence to **Gimeſcrike**, and ſo through the midſt of **Haverholm**, and the midſt of **Boyntoft** Common, unto the Sea-bank; thence to a certain bank, called **Maw haven**, through the middle of the Fen, unto the Sea; and that the ſaid Abbot and his ſucceſſors, as alſo the ſaid *Gilbert*, *Robert &c.* and their heirs, ſhould have liberty to ſcour, cleanſe, and repair the ſaid Sewer, and caſt the earth on each ſide thereof, at their pleaſure, without the impediment of the ſaid *William* and *Alice*, and the heirs of the ſaid *Alice*, for ever: For which grant and conceſſion, the ſaid Abbot, *Gilbert*, *Robert &c.* gave to the ſaid *William* and *Alice* the ſumm of *xx*[l]. ſterling.

And the ſaid Abbot, for himſelf and his ſucceſſors; as alſo the ſaid *Gilbert*, *Robert &c.* for themſelves and their heirs, did then Covenant to make and maintain three Bridges, over the ſame Sewer, at their own proper coſts and chardges, by which Carts and Carriages might have paſſage; and likewiſe one bridge betwixt **Frethemſkilde** and **Camericroſte**; and two bridges betwixt **Haverholme** and the Sea-bank; and one bridge for foot folk, betwixt the Church of **Munby**, and the Chapel of *S. Leonards* in that Town: and moreover a certain Gutter at the Sea-bank, by which the water which cometh through the ſaid Sewer, may alwayes paſſe into the Sea: ſo that if the ſaid Abbot or his ſucceſſors, and the ſaid *Gilbert*, *Robert &c.* or their heirs, ſhould fail in maintaining and repairing the ſaid Sewer, Bridges, or Gutter, it might be lawful for the ſaid *William* and *Alice*, and the heirs of the ſaid *Alice*, to diſtrain their Cattel found in any of the lands of the ſaid Fee, untill the repairs of the ſaid Sewer, Bridges, and Gutter ſhould be repaired.

After this, *viz.* in 8 *E.* 1. the King directed his VVrit [a] to *John Beke* and the Shireeve of this County; commanding them to enquire by the Oaths, aſwell of Knights as other honeſt and lawful men, within his precincts, whether it would be to the damage of the ſaid King, and the Inhabitants of this Country, if the courſe of the River of **Friſkeney** were diverted, and brought into the Town of **Gimeſby**, for the better opening of that Port, which was then ſo filled up with ſilt and mud by frequent inundations, that ſhips could not have free ingreſſe and egreſſe out of it.

a Eſc. 8 E. 1. n. 73.

VVhereupon a Jury being accordingly impanelled and ſworn, did ſay upon their Oaths, that the ſaid River might be ſo diverted, without any damage to the King, but to the prejudice of divers of the Country; *viz.* of *William de Apeltrefeud*, who then had the ſeat of a Mill, which he might, if he pleaſed, new build, whereby it would yield him four pounds and two ſhillings by the year: And that it would be to the damage of Sir *Walter de la Lynde* two ſhillings, which he had wont to receive for drying of Nets upon his land: And to the damage of *Gilbert* of **Little Cotes**, *Robert de Kirketon*, Sir *Walt. de la Lynde*, *Philip de Wyneleſby*, and their Tenants, four ſhillings; and four ſhillings yearly, for two acres and an half of paſture.

And they ſaid, that if it hapned the ſame water of **Friſkeney** to paſſe by **Milnewell Creeke**, the Town of little **Cotes** would loſe it's Common of paſture of two hundred Acres and more, except they ſhould have a ſufficient Bridge for Carriages and Cattel to their ſaid paſture: And moreover that if the ſame water ſhould be brought to **Milnewel Cryke**, as the Inhabitants of **Gimeſby** deſired, it would be forced back by the Sea-tides, and overflow the land at great **Cotes**, little **Cotes**, and **Lyſceby**, to the damage of thoſe Towns *xl*[l]. *per annum*; except the Chanel of **Mylneweicryke** were ſufficiently digged, and ſtrong Sluſes made to keep back the tides.

And they moreover found, that the ſaid water was near to the ſame town of **Gimeſby**; and that the Chanel, ſo made, ought to contain in length *Cxl* perches, and every perch to be *xx* foot in length, and in bredth *xij* perches: And that the Burgeſſes of that Town might have benefit by the ſaid current of water, for the clenſing of their Haven;

and

and that it might be yearly worth *vi*s. *viij*d.

b Plac. coram Rege term. *Mich.* 18 E. 1. rot. 45. *Linc.*

Upon a pleading [b] in 18 *E.* 1. touching the repair of a Sea-bank at **Thevelthorpe**, in a certain place there, called **Potjun**, it appeareth, that the King assigned *Will. de Carleton* and *Will. de Candelesby* to view the same, and to take order for the repair thereof; who thereupon ordained, that every Acre should be taxed alike for supporting the chardge thereof, notwithstanding any Custome to the contrary: but the businesse was not fully determined at that time, becaufe the Jurors appeared not till the Octaves of *S. Martin.*

Vide Plac. de term. *Mich.* 19 E. 1. rot. 14.

c plac. de Banco term. *Mich.* 26 E. 1. rot. 43. *Linc.*

In 26 *E.* 1. upon a sute [c] concerning the repair of the Ditches and Sewers at **Waynflete**, the Jurors found, that the Custome of that Town was such, that the Ditches there ought to be clensed every year for the drayning the lands belonging to that place; and that every Inhabitant thereof, having lands there, ought to be assessed and taxed according to the quantity of his lands, to contribute to the chardge of such clensing and scouring of them. And they also found, that one *Roger* the Son of *Walter de Waynflet*, being then assessed at two shillings for *xxiiij* Acres of land, which he held there, denyed not the said Custome; but alleged that the mony taxed for those repairs, ought, according to the said Custome, to be levyed and collected by certain of the Inhabitants of the said town, called *Dyke-rieves*, and not by any others.

d Plac. de Banco 27 E. 1. ot. 50. *Linc.*

The next year following, upon a sute [d] commenced by *Alan* the son of *Peter le Toller* of **North Weynflete**, against *william le Toller*, for the distraining of his Cattel at **South Weynflete**, in a certain place called the **Sale ham**; the said *william* justified the taking of that distresse; and said, that such was the Custome in that Town of **North Waynflete**, that as oft as the Sewers there made for drayning of their lands, did want repair, they ought to be viewed by the Commonalty of that place: and that thereupon, every person having lands and Tenements there, ought to be assessed for the repair of those Sewers according to the proportion of his said lands. And the said *william* farther affirmed, that the said *Alan* was assessed, by the before-specified Commonalty, for the repairing of seven Perches of a certain Ditch, opposite to a place called **Cannon dayle**, by reason of seven acres of land, which he held, that in former time belonged to the Ancestors of one *John de Bardne*, and lay abutting upon that Ditch where the said seven Perches wanted repair; and that he the said *Alan* neglecting to repair the same, was distrained as aboveſaid. Whereunto the said *Alan* made answer, that he did acknowledge the before-specified Custome; yet said, that he was not to perform those repairs in respect of the seven Acres above-mentioned, but for other Tenements, *viz. xl* Acres of land, with the appurtenances, lying in **Waynflete** aforesaid. **Lindse.**

And in the same year, upon another sute [e] betwixt the said parties, upon the taking of the like distress, the before-specified *william* avowed; that such was the Custome in that Town of **North Waynflete**, that certain of the Inhabitants thereof were assigned to view the Marsh-Ditches thetein, every year on the Feast day of *S. Andrew*, and to present the defaults which they should find in them, at the next Court of *Henry de Lacy*, Earl of **Lincolne**, then Lord of that Town: And that every Tenant of that Lordship, who ought to make any repairs there, to be amerced in *xvi*d. at the said Court. VVhereunto the said *Alan* answered; that there might have been a sufficient distresse found by the same *william*, and not to have taken his Cattel, which were for the Plow.

e Plac. de Banco Octab. *Mich.* 27 E. 1. rot. 141. *Linc.*

In 28 *E.* 1. *Thomas de Burnham* and *Raphe de Friskeneye* were constituted [f] Commissioners to view and repair the Banks and Sewers, in the Marshes of **Mersse** and **Lindesye**; and chiefly the obstruction of a Sewer in those Marshes, called the **Flete**.

f Par. 28 E. 1. m. 13. in dors.

So also were [g] *Thomas de Burnham* and *Gilbert de Toutheby* for those Ditches and Gutters in **North Weynflet**.

g Ib. m. 11. in dorso.

Divers other Commissions, of the like nature, do I find, *viz.* in 32 *E.* 1. to [h] *william Howard*, *Thomas de Burnham*, and *Raphe de Freskeneye*, for the view and repair of all the Banks, and Ditches, upon the Sea-coast, in these parts of **Lindesye**. In 33 *E.* 1. to [i] the said *Thomas Burnham* and *Thomas de Gun-*

h Pat. 32 E. 1. m. 2. in dorso.

i Pat. 33 E. 1. m. 3. in dorso.

Lindſey.

neys for thoſe in the parts of Walberthorp, Theddlethorpe, and Saltfleetby.

k Pat. 34 E. 1. m. 6. in dorſo.

In 34 E. 1. to [k] the ſame *Thomas de Burnham*, *Henry de Bayeux*, and *Roger de Cubbledike* for thoſe at Little Cotes upon Humbre.

l Pat. 35 E. 1. m. 12. in dorſo.

In 35 E. 1. to [l] *Raphe de Friſkenay*, *Henry de Bayeux*, *Gilbert de Toutheby*, and *Robert de Malborthorp*, for all the Banks and Sewers in this Province of Lindſey.

m Par. 2 E. 2. m. 11. in dorſo.

In 2 E. 2. to [m] the ſaid *Henry de Bayeux*, *Nich. de Bolyngbrok*, and *Walter de Stalynburgh* for thoſe at Northcotes, Tetenay, Humberſtan, Therneſco, Itterby, Hole, Gyrmelby, little Cotes, and great Cotes upon Hombre. As alſo to [n] *Rog. de Scotere*, *Walt. de Freſkeneye*, and *Alan de Reytheby*, for thoſe at Walberthorp and Theddlethorpe.

n Ibid.

o Pat. 4 E. 2. p. 1. m. 25 n dorſo.

In 4 E. 2. to [o] *John de Kyme*, *Adam de de Welle*, *Will. de Malberthorp*, and others, for thoſe betwixt Humby and Saltfleetby.

p Pat. 6 E. 2. p. 1. m. 3. in dorſo.

In 6 E. 2. to [p] the ſaid *Henry de Bayeux*, *Nicholas de Bolingbrok*, and *Walter de Stalingburgh*, for thoſe betwixt Gyrmelby and Hotoft, and upon Trent, betwixt Burton-Stather, and Toxkeſey.

q Pat. 7 E. 2. p. 1. m. 3. in dorſo.

In 7 E. 2. to [q] *Philip de Kime*, *Roger de Cubbeldyk*, *Walter de Friſkenay* and *Rob. de Malberthorp*, for thoſe Banks, Ditches, and Sewers throughout this whole Province of Lindſey.

r Pat. 11 E. 2. p. 2. m. 4. in dorſo.

The like Commiſſion had [r] *Thomas Wiloughby*, *Walter Friſkenay*, *Robert de Malberthorpe*, and *Robert de Rigge*, in 11 E. 2.

s Pat. 12 E. 2. p. 1. m. 4. in dorſo.

So alſo in 12 E. 2. had [s] *Simon de Chamberlayn*, *Gilbert de Toutheby*, and *Robert de Malberthorpe*.

t Ib. m. 17. in dorſo.

In the ſame 12 year of E. 2. to [t] *Roger de Cubbeldyke*, *Simon le Chamberleyn*, and *Walt. de Friſkenay*, for thoſe Banks and Sewers upon the Sea-coaſt, betwixt Friſkenaye and Thorpe, near Waynfleete.

u Par. 14 E. 2. p. 2. m. 11. in dorſo.

In 14 E. 2. to [u] *Robert de Malberthorp*, *Simon Chamberleyn*, and *Thomas Willughby*, for thoſe betwixt Cokhill and North cotes.

w Par. 18 E. 2. p. 1. m. 13. in dorſo.

In 18 E. 2. to [w] *Walter de Friſkeney*, *Robert de Malberthorp*, *Peter de Skremy* and *Gilbert de Toutheby*, for thoſe betwixt Gyrmeſby and Boſton.

x Eſc. 2 E. 3. n. 119.

In 2 E. 3. the Burgeſſes of Gyrmeſby, by their Petition [x] to the King and his Council, did repreſent; that whereas divers Ships had uſed, in time paſt, to land in that Port, with goods and ſeveral kinds of Merchandize, to the great benefit of the ſaid Town, and of the parts adjacent: And that the ſame Port, was then ſo choakt up with mud and filth, that they could not come in at all: Whereupon they humbly beſought him, that he would grant to the ſaid Burgeſſes, their heirs and ſucceſſors, for the advantage of that Town, the water of Friſkeneye, near thereto, with liberty to cut a Chanel unto their Port, through the midſt of a certain common of Paſture belonging to thoſe Burgeſſes; (which Common was the ſaid Kings ſoil) to the intent that by the current thereof, the mud and other impediments might be ſcoured out of the ſaid Haven. The King therefore, deſiring to be certified, whether he might condeſcend thereunto without any damage or inconvenience to himſelf or any other, did aſſign [y] *Robert de Malberthorpe*, *Peter de Ludyngton*, and *Gilbert de Toutheby* to enquire thereof.

y

About two years after this, the Abbot of Louth parke impleaded [z] divers of the Inhabitants of Somercotes, for ſtopping a certain Sewer there, with dung and earth, by which means the water overflowed two hundred Acres of his land, ſowed with Corn there, and at Cokerington. Whereunto they anſwered, that the ſaid Abbot had cauſed a certain trench, called Skiterfletdyke, to be made at Cokerington, by which trench the water went out of the before-ſpecified Sewer, and paſſed to Somercotes, and drowned the lands and meadows of that Town; and that they obſerving what damage accrued thereby, it being made xl years before, for preſervation of the lands belonging to the ſaid Abby; did then ſtop it up for the ſafeguard of their own lands: but what determination was made therein, I find not.

z Plac. coram Rege term. Paſch. 4 E. 3. rot. 82 Linc.

In 8 E. 3. *John de Brenkelde*, *John de Croſholme junior*, *Roger de Nevill* and *Robert de Grenefeld* were conſtituted [a] Commiſſioners for the view and repair of thoſe Banks and Sewers betwixt Burton Stather and Gaynesburgh.

a Par. 8 E. 3. p. 1. m. 42. in dorſo.

In 14 E. 3. the King being informed [b] that there was a certain Sewer, called Callaa, in Wirkland (within this Province of Lindſey) which extended it ſelf from a certain place called Yerleholme,

b c Par. 14 E. 3. p. 2. m. 40. in dorſo.

holme, unto the Sea; and which had been antiently made for preſerving the adjacent parts againſt the flouds of freſh waters deſcending that way, was then ſo ſtraightned and obſtructed by divers perſons inhabiting in thoſe Towns, which do lye on each ſide thereof, that the water which ought to paſſe through it to the Sea, could not have ſuch a current as it wont: he therefore aſſigned [c] *Adam de Welle*, *John de Kirketon*, *Will. de la Lande*, and *John de Brynhill*, his Commiſſioners to view the ſame, and to take order for the ſpeedy clearing thereof.

In 16 *E.* 3. the ſaid *Adam de Welle*, *John de Hardreſhulle*, *Thomas Priory* of **Markeby**, *Richard* Parſon of the Church of **Wythurne**, *John de Binkhull*, and *John de Somercotes*, were appointed [d] to view and repair the Banks, Ditches and Sewers upon the Sea-coaſt, in the Wapentach of **Coleſwath**. The like appointment in 19 *E.* 3. had [e] *John de Wylughby*, *Peter de Scremby*, *Will. de Lokborne* and *John de Somercotes*, for thoſe betwixt **Grimeſby** and **Boſton**.

In 21 *E.* 3. the King being informed, [f] that the courſe of the River of **Wytherne**, from **Wytherne** bridge to **Perleholme**, and ſo to **Thedelbrigg**; thence to **Saltfleet** Haven, was ſo choakt up with dung and filth, as alſo through planting of Trees on the banks thereof, by divers of the Inhabitants thereabouts; that the lands and Tenements, of ſundry perſons, lying near the ſaid River, were overflowed by the freſh waters, which could not, by reaſon of thoſe obſtructions, deſcend through that Chanel as they had formerly done: he therefore conſtituted [g] *Simon Fitz Rauf*, *Richard de Gouſhill*, *John Totill* of **Lincolne**, and *Robert Totill* his Commiſſioners to view the ſame, and to cauſe it to be enlarged to as great a bredth as it had in times paſt been of.

Divers Commiſſions likewiſe had divers perſons, for the view of other banks and Sewers in this Province; *viz.* in 23 *E.* 3. *Will de Friſkeney*, *Alexander de Gibthorpe*, and *Hugh de Braytoft* for [h] thoſe near **Waynflete**. In 25 *E.* 3. *John de Willughby*, *John de Orreby*, *John de Kirkton*, and others, for thoſe betwixt **Ingoldmells** and **Skrimthorpe**. So alſo had *Gilbert de Umfravill* Earl of **Angos**, *John de Sutton*, *Peter Bavant*, *John le Druyne* and *Will. de Stayne*, for [k] thoſe upon the Sea-coaſt, betwixt **Walberthorpe** and **Trollethorpe**.

In 26 *E.* 3. the ſaid *Gilbert* Earl of **Angos**, *Nich. de Cantilupe*, *Will. de Skipwith*, *Robert de Kirkeſwold*, and others, for [l] thoſe betwixt **Boſton** and **Barton**. In 28 *E.* 3. Sir *John de Willughby*, Sir *Will. de Toutheby* and Sir *Peter Bavent* Knights, *Robert de Elkyngton*, and *Stephan Toures*, for [m] thoſe betwixt **Ingelom.ls** and **Grimeſby**.

In 30 *E.* 3. *Will de Skipwith*, *John de Gaunt*, *Adam de Wodethorpe*, and *Robert de Elkyngton*, for [n] thoſe from **Waynflete** to **Grimeſby**: and to proceed therein according to the Law and Cuſtome of this Realm.

In 32 *E.* 3. upon divers complaints [o] then made unto the King, that there was a certain Cauſey, called **Hildyke**, which is the Kings High way from **Boſton** towards the River **Humbre**, and divers banks in the Town of **Sibcey** ſo ruinous and broken, that the men of thoſe parts ſuffered much damage thereby: he appointed [p] *Simon Symeon*, *John de Alkebarowe*, *Robert de Elkyngton*, and *Robert Malbys* to enquire by the Oaths of lawful men of this Province, and of **Holand**, who ought to repair the ſame.

The next year following, *Will. Haulay*, *Rob. de Elkyngton*, *John de Hagh* and *Rob. Gunnays* were aſſigned [q] to view the Banks and Ditches from **Saltfleet** Haven to **Waynflet**, and to cauſe them to be repaired where need required. The like aſſignation [r] in 34 *E.* 3. had *Peter Bavant*, *Will. Haulay*, *Rob. de Elkyngton*, *Will. de Stayne* and *Thomas de Camberworth* for thoſe from **Anderby** Haven to the Haven of **Germethorpe**. So likewiſe in 36 *E.* 3. had [s] *Will. de Huntyngfeld*, *Will. de Skypwith*, *Will. de Swynythwayt*, and others, for [t] thoſe betwixt **Wrangle** and **Gymeſby**.

In 37 *E.* 3. *Will. de Huntyngfeld*, *Godefrey de Foljaumbe*, *Will. de Hauley*, and others, were appointed [u] to view and repair the Banks and Sewers within the Soke of **Bunby**.

And in 38 *E.* 3. *William de Skipwith*, *Godefrey de Foljaumbe*, and others, had [w] the like appointment for thoſe from the Town of **Wrangill** to **Barton** up-

[c] Par. 16 E. 3. p. 1. m. 29. in dorſo.
[d] Par. 19 E. 3. p. 2. m. 19. in dorſo.
[e] Par. 21 E. 3. p. 2. m. 16. in dorſo
[f] Par. 23 E. 3. p. 1. m. 31. in dorſo.
[g] Par. 25 E. 3. p. 3. m. 18. in dorſo.
[h] Par. 26 E. 3. p. 1. m. 30. in dorſo.
[i] Par. 28 E. 3. p. 1. m. 27. in dorſo.
[k] Ib. d.
[l] Par. 30 E. 3. p. 2. m. 15. in dorſo.
[m] Par. 32 E. 3. p. 2. m. 16. in dorſo.
[n] Par. 33 E. 3. p. 1. m. 14. in dorſo.
[o] Par. 34 E. 3. p. 1. m. 17. in dorſo.
[p] Par. 36 E. 3. p. 1. m. 15. in dorſo.
[q] Ib. m. 33. in dorſo.
[r] Par. 37 E. 3. p. 1. m. 46. in dorſo.
[s] Par. 38 E. 3. p. 1. m. 8. in dorſo.

Lindsey.

on Humbre; and to hear and determine all things therein according to the Law and Custome of this Realm.

x Ex bund. de Brev. & Record. Wall as &c. tangentibus temp. E. 3. n. 9.

In 40 E. 3. upon a Writ[x] of *Certiorare*, directed to *Gilbert de Umframvill*, Earl of Angos and others his associates, then Justices of Sewers in this County, touching their proceedings in a Commission directed to them for the view of the Banks and Ditches, betwixt Boston and Barton aforesaid; and enquiry through whose default the breaches and decays therein were not repaired, they certified, that the Jurors impanelled and sworn before them, by virtue of that Commission, did upon their Oaths present[y], that it would be much to the benefit of the North Common of Burghe near Waynflete; and of the Tenants of the lands, Meadows, and Pastures in Wynthorpe and Ingoldmels, on the VVest part of a certain Watdyke, called Dykyke, that there should be a new Sewer made in Wynthorpe, containing in bredth *xij* foot by the Kings Ell; for the drayning of the land, meadows, and Pastures there; *viz.* from a place called Nedderhowe, in Wynthorpe, unto a common High way called Chelgate; beginning first from Nedderhowe at the lands sometime belonging to *Robert Herrier* of Wynthorpe, on the East and West part, and the lands of *Robert* the son of *William Buttercake* of Wynthorpe on the East part: and thence betwixt the lands of the said *Rob.* on both parts, to the common high way called Chelgate. And that one Floudgate should be new made and fixed athwart the same high way, by which the said Sewer might run; whereupon a Bridge to be erected by which travailers and Carriages might securely passe too and fro: and from that Floudgate the said water to passe into an old Sewer made in Skegnes, to Whete croft gote, within that town, and thence to the main Sea.

y Ibid.

And they said, that the quantity of the Lands, Meadows and Pastures aforesaid, which had preservation and benefit by the said Sewer, were *MCLxix* Acres and 1 Rode, whereof every Acre was assessed at *xij d.* for making of the said Floud-gate, and bridge; the name of every Land-holder and the particular number of Acres then held by him being there expresst.

In 41 E. 3. Sir *Godefrey Foljaumbe*, Sir *Will. Croiser*, and Sir *John Dimock* Knights, *Simon Simeon*, and others, were appointed[z] to view and repair the Banks and Sewers upon the Verge of the River of Wytham, from Barton dyke to Boston. The like[a] appointment in 42 E. 3. had *Thomas de Ingelby*, *Godefrey Foljaumbe*, *Simon Simeon*, with others, for those betwixt the Towns of Skidbroke and Humberstone. So also had[b] the said *Thomas de Ingelby*, *John Moubray*, *Godefrey Foljaumbe*, *Will. Croiser*, and others, for those betwixt Boston and Stikeswald.

z Par. 41 E. 3. p. 1. m. 19. in dorso.

a Par. 42 E. 3. p. 1. m. 15. in dorso.

b Ibid.

Several other Commissions do I find, afterwards to the like purpose; *viz.* in 43 E. 3. to[c] the said *Godefrey Foljambe*, *John de Stafford*, and *John de Nessefeld* Clerks, *John de Haghe* and *John Amery*, for those from Saltfleet haven to Waynfleet.

c Par. 43 E. 3. p. 1. m. 33. in dorso.

In which year it was presented *; that the Sewer, passing on the West part of of the High Road, which drayned Theves Creke, South lade, Northlade, Lusdyke, and Bullingbrooke Fenn, ought to be repaired by the Tenant of the Duke of Lancasters fishing in Waynflete.

* Ex Collect. Com. de Lindsey.

In 44 E. 3. to[d] *Richard de Ravenfere* Archdeacon of Lincolne, Sir *John de Welle* Knight, *Thomas de Ingelby*, and others, for those betwixt Ingoldmels and Gymesby. In 47 E. 3. to *Henry Asty*, *John de Boys*, *Will. Wascelyn*, and others, for those betwixt Buterwyk and Doneheved. In 48 E. 3. to[f] the same *Henry* and *John*, with *Thomas de Brunham*, and others, for those betwixt Gaynesgourgh and Doneheved.

d Par. 44 E. 3. p. 1. m. 33. in dorso.

e Par. 47 E. 3. p. 1. m. 8. in dorso.

f Par. 48 E. 3. p. 1. m. 30. in dorso.

In 49 E. 3. to[g] *Robert de Wylughby*, *Rob. de Crumwell*, *Will de Skipwith*, and others, for those betwixt Skegnes and Gymesby.

g Par. 49 E. 3. p. 1. m. 6. in dorso.

In 3 R. 2. to[h] Sir *Robert de Wylughby*, Sir *Raphe de Cromwell*, and Sir *Will. de Skipwith* Knights, *John de Hagh*, and others, for those betwixt Skegnes and Gousthull. In 4 R. 2. to[i] *John K.* of Castile and Leon, *Robert de Wylughby*, *John de Welle*, *Raphe de Crumwelle*, *Will. de Skipwith*, and others, for those betwixt the Towns of Wrangell and Barton upon Humbre.

h Par. 3 R. 2. p. 1. m. 44. in dorso.

i Par. 4 R. 2. p. 1. m. 17. in dorso.

The like in 6 R. 2. to[k] the same *John K.* of Castile &c. *Henry de Percy* Earl of

k Par. 6 R. 2. p. 1. m. 9. in dorso.

of Northumberland, *Robert de Wilughby*, and others. So also to [l] *Henry Aſty, Will. de VVilughby, John Buſſy, John de Hawe, Robert de Haldanby*, and others, for thoſe betwixt Gaynesburgh and Doneheved, upon the Verge of Trent.

[m] Ibid. In the ſame year to [m] Sir *VVill. de Skipwith*, Sir *will. de Wilughby*, and Sir *Raphe Paynell* Knights, and others, for thoſe betwixt the Towns of Cozyngham and Frethyngham: And betwixt Gaynesburgh and Cozyngham.

[n] Pat. 12 R. 2. p. 1. m. 13. in dorſo. In 12 *R.* 2. to [n] *John Markham, Gerard de Sothill, Hugh de Mitford*, and others, for thoſe betwixt Gaynesburgh and Burton Stather, on the Eaſt ſide of Trent; and betwixt a certain place called Pyell croft dyke and Donehed, on the Weſt part thereof.

[o] Pat. 13 R. 2. p. 2. m. 9. in corſo. In 13 *R.* 2. to [o] Sir *John de Welle*, Sir *Thomas Hungerford*, and Sir *VVill. Skipwith* Knights, *John de Rochford* and *John Hawe*, for thoſe betwixt Tedeney and Skegenay.

[p] Pat. 15 R. 2. p. 1. m. 37. in dorſo. In 15 *R.* 2. to [p] Sir *Philip Spenſer*, Sir *Henry Retteford*, and Sir *John Powether* Knights, *VVill. Croſby*, *John Hawe*, *VVill. Holme*, and *John Redeneſſe*, for thoſe upon the coaſt of Humbre in the Marſhes of Stallyngburgh, betwixt the Towns of Imyngham and great Cotes.

[*] Ex collect. præno. Montagu, Comitis de Lindſey, an. 1660. By an Inquiſition [*] taken at Bullingbroke, before *John Rocheford, John de la Lande*, and *John VVallis*, in the 17th year of King *Rich.* 2. and in the preſence of *John Buſhey* high Steward of the Dutchy of Lancaſter, it was found; that the Sewer called Goodike, extending it ſelf through the Eaſt fenne unto the Eas end, had wont and ought to be *xvi* foot in bredth, betwixt the banks, and in depth eight foot; but was then ſtopped by a VVear which *VValter de Athall*, and *VValter Randſon* had made there, for that it was not then four foot deep: and that it ought to be ſcoured and clenſed by the ſaid *Walter* and *VValter*, Fermours of the fiſhing there; or whomſoever elſe ſhould be the Fermours thereof, by the aſſignation and dimiſe of the Lords of Bullingbroke and Dalby, or their Bayliffs.

North lade Sewer.

South lade Sewer. And it was alſo preſented, that the Sewer called the South lade, extending from the Eaſtfenne aforeſaid, unto the Eas end, ought and had uſed to be in bredth *xvi* foot, and in depth eight foot; and likewiſe to be repaired by thoſe Fermours as aforeſaid; but was then alſo ſtopt by thoſe Fermours of the Fiſhing. And that the Banks of a third Sewer, called Lyme, beginning at Stepinge mill, and extending it ſelf to the Clow, betwixt Steping and Thorpe, ought to be repaired and raiſed higher by the Townſhip of Thorpe: And thence to the Eaſe ende (called Luſdyke) the bank on the Eaſt ſide, to be repaired by the Towns of All hallows, and *S.* Maries, ſo that the water running into the ſaid Sewers, might no way enter the Fenn.

Lyme Sewer.

And that the ſaid Sewer from the Clowes of Thorpe to the Eas end, ought to be *xvi* foot in bredth, and eight foot in depth, being then obſtructed by a VVear, which thoſe Fermours of the Fiſhing had ſet up. And that *Henry* Earl of Northumberland, of right ought to repair the ſame Sewer from the Clowes to the Southdykehyrne, by reaſon that he held the Fiſhing there, in ſeveralty, as belonging to his Mannour of Thorpe. And that the Lords of Bullingbroke and Dalby, or their Fermours, ought to clenſe the ſaid Sewer, from Southdike hirne unto the Eas ende, becauſe they had the fiſhing there in ſeveralty.

And they likewiſe preſented, that there was a fourth Sewer, called Thevilcrik, beginning in the Moſſes of Friskenay, at *VVilliam Barnagates*, and extending it ſelf to the Eas end, where the four ſtreams do meet; and that it ought to be in bredth ten foot, and depth five; but was then alſo obſtructed by a certain Were which the Fermours of the fiſhing had made; and ought to be repaired by the ſaid Town of Friskenay.

Thevilcrik Sewer.

Eas end Sewer. And that the Sewer, called Eas end, where the four ſtreams meet, ought to be in bredth fourty foot, and in depth fourteen to the Sea; and repaired by the Soke of Bullingbroke, as often as need ſhould require.

And they farther preſented, that it would be requiſite that a new pair of Floud-gates ſhould be made at the Damme, in bredth *xij* foot, and depth according to the diſcretion of skilful perſons: And that all the Towns within the Soke or VVapentake of Bolingbroke; as alſo the towns of Wrangle,

[l] Lake,

Lindſey.

Lindsey. Leake, Leverton, Benington, Butterwick, Freston and Toste, ought of right to repair, maintain, open and shut those Floud-gates, at proper times, on their own costs and chardges for ever, excepting in Timber, Iron VVork, and also VVages of Carpenters.

And to the end that all discord, betwixt those Towns, touching the repair of the said Floud-gates, might for the time to come be prevented, it was then accorded, by and between them, with the common assent aswell of the said Duke of Lancaster's Counsel, the Lord of Willughby and Abbot of Revesby, as of all other Lords and Inhabitants, or their Free-holders, dwelling in those Towns, in form following; *viz.* that every of the said Townsmen, should then, at the first, levy and collect for the said repair, the fourth part of such a summ, as the same Town had antiently been assessed at to a *Fifteen* granted and payable to the King by the Commons of England: VVhich said summ, so levyed, to be delivered unto two discreet men, to be chosen by four, throughout all those Towns; who should be obliged from year to year as followeth. First, two of the Soke of Bullingbroke, at the next Court of the Duke of Lancaster, at Bullingbroke, before *Michaelmasse* yearly, to be held before the Steward, or his Deputy there: And two other of the Towns within the Wapentake of Skirbeck above named, to be chosen from year to year, at the said Duke's Court, next before *Michaelmasse*, at Wrangle, before the Steward thereof or his Deputy: which four so to be elected, to be aswell of the Tenants of the said Lord, as of the Tenants of any other Lords, according to discretion: And they to meet at Waynflete twice every year; *viz.* once within a month after *Easter* and *Michaelmasse*, and then to oversee those floud-gates, and all the Sewers aforesaid; and if any defect should be found in them, then to cause them to be repaired and amended, with all speed, according as in their discretions they should think most meet. And, that at such their meeting, after *Easter*, the said two, so elected for those disbursments, as aforesaid, to render their Account, before the said four, touching those common repairs, and expences.

And in 17 R. 2. to [q] Sir *Philip Tilney* Knight, *John de Crosby*, *John de Rocheford* of Boston, *John Launa* of Pynchebek, *Thomas de Tofte*, and *John Waleys*, for those betwixt Hilpyke and Bolyngbroke; and to hear and determine all things therein according to the Law and Custome of this Realm, and the Custome of Romeney marsh; as also to take up so many Labourers, upon competent wages, as they should think needfull for that work, considering the necessity of expedition therein. [q] Par. 17 R. 2. p. 2. m. 37. in dorso.

In 19 R. 2. there was a Presentment made in the Kings Bench, in *Easter* term (which was then held at Lincolne) by the Jurors of divers VVapentakes in this County, that the Marshes of Est Fenne and Westfenne; as also divers Lands, Meadows and Pastures lying in the towns of Leek, Wrangel, Frikeneye and Waynflete, betwixt the waters of Wythom and Waynflete, were drowned by a great inundation of water, so that all the Inhabitants of those towns, and of the Soke and VVapentake of Bolingbroke, did wholly lose the benefit of their lands and Marshes there, through the defect of a certain floud-gate at Waynflete, which was so narrow that the course of the waters passing that way, could not go to the Sea; and that the town of Waynflete ought to repair that floud-gate, as antiently they had wont to do. And the said Jurors farther alleged, that the same floud-gate, was not of bredth and depth sufficient to convey the said water to the Sea; and that it would be necessary to have another floud-gate new erected, near unto the same, of *xviij* foot in bredth; and that the towns of Leek, Wranghill; Frikeney, and Waynflete, together with the Soke and VVapentake of Bolingbroke; as also all those which had Common of Pasture in the said Marshes, ought to contribute to the making thereof. And that when is should be made, then the said town of Waynflete, to repair and maintain it, at their own proper costs, untill it should be necessary to make it anew, excepting timber and Iron: And they said moreover, that except this [r] Plac. coram Rege term. Paſch 19 R. 2. rot. 27. Lincs.

were

were done, both the Marſhes, lands, meadows, and Paſtures aforeſaid, and Commons in thoſe towns, Soke and wapentake before-ſpecified, would wholly be loſt. And they alſo ſaid, that there was a certain Sewer, from **Haſend** at **Waynfleete**, unto the ſaid Floud-gates, wherein the Duke of **Lancaſter** and the Lord of **Dalby** had fiſhing; who in reſpect thereof ought to repair and cleanſe the ſame. The Shireeve thereof had command to ſummon all thoſe Towns to anſwer this their neglect.

The next year following, the Towns of **Dunham, Scothorne, Rereſby** and **Staynton**, being preſented [f] for neglecting to repair the Sewer called **Fen dyke**, which extends it ſelf from the town of **Welton** to **Langwath**; and not denying but that they ought to maintain the ſame, were each of them amerc'd at *xl* [d].

[f] Plac. coram Rege term. *Mich.* 20 *R.* 2. rot. 16. *Linc.*

In the ſame year the Inhabitants of **Wytherin, Scrubby, Wodethorpe, Walteby, Beſby, Hamby, Barkeby, Billeſby, Alford, Welle, Salby, Thorneſthorpe, Riggeſby**, and **Aby**, being preſented [t] for not repairing the Sewer, called the **Sout**[h] **griſt**, lying betwixt **Walberthorpe** and **Truſthorpe**, which extends it ſelf from a place called **Arltrehirne** to the Sea; and by which all the courſe of the water of thoſe towns, had uſed of right to run to the Sea, for the ſafeguard of the ſaid Towns: which ſaid Sewers, together with the Gote, called **Wall-gote**, was then ſtopt up; did put themſelves upon the Country: the Shireeve therefore had command to ſummon a Jury thereupon.

[t] Plac. coram Rege term. *Hil.* 20 *R.* 2. rot. ... *Linc.*

In the ſame year alſo *Will.* Lord *Wilughby, Raphe Crumwell, Philip Spenſer, Robert Tirwhit* and *Robert Cumberworth* were appointed [u] to view and repair the Banks and Sewers betwixt **Gymeſby** and **Waynfleete**; and to do all things therein according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romney** marſh. The like appointment [w] the next year following, had the ſaid *William, Raphe*, and *Philip*, with *Richard Muriell* and *Albine de Endirby* for the ſame Banks and Sewers; and direction to proceed therin according to the Law and Cuſtome of the Marſh.

[u] Pat. 20 R. 2. p. 1. m. 12. in dorſo.

[w] Pat. 21 R. 2. p. 1. m. 6. in dorſo.

In which year, I find it preſented, that the Sewer, called the **Ea**, ought to be repaired, from the Weſt end thereof, unto the Sea, by *Walter Athall*, Fermour of the Duke of **Lancaſter's** fiſhing, and *Walter Ranſon*, Fermour of the Lord of **Dalbye's** fiſhing. And, that the South-weſt bank of **Luſdyke**, ought to be repaired by the village of *All Saints* in **Waynfleete**. As alſo that the Chanel of **Luſdyke** from **Stoxdyke** unto the **Eas end**, ought to be repaired by the ſame village: And that the **Ea**, from the Weſt end thereof, unto **Normandeepe**, ought to be repaired by the Fermours of the fiſhing belonging to the ſaid Duke, and to the Lord of **Dalby**.

Lindſey.

In 1 *H.* 4. *Henry* Earl of **Northumberland**, Sir *Will. de Wilughby*, Sir *Walter Pedwardyn*, and Sir *John Rochefort* K[ts]. *Robert Tirwhit, Will. Michel*, and *Albine de Enderby*, had Commiſſion [x] for the view and repair of thoſe Banks and Sewers betwixt **Boſton** and **Friſkeney**; with power to hear and determine all things therein according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romeney** marſh: and to take ſo many Diggers and other Labourers, upon competent wages, in reſpect of the great and inſtant neceſſity, as they ſhould think requiſite to be imployed in the ſaid work.

[x] Pat. 1 *H.* 4. p. 4. m. 32. in dorſo.

Other Commiſſions of the like kind, were, ſhortly after, directed to ſundry perſons; *viz.* in 6 *H.* 4. to [y] *Will. de Wylughby, John de Rocheford, Rob. Elkyngton, Will. de Ludington, Thomas Somercotes, Thomas de Enderby, John Symons* and *Robert White*, for thoſe within the precincts of **Wrangle**, to **Barton** upon **Humbe**; with appointment to proceed therein according to the Law and Cuſtome of this Realm: and ſo likewiſe in 7 *H.* 4. to [z] the ſame *William, John, Aline de Enderby, Will. de Ludington*, and others.

[y] Par. 6 H. 4. p. 2. m. 14.

[z] Par. 7 H. 4. p. 2. m. 24. in dorſo.

In 9 *H.* 4. to [a] *Will.* Lord *Wylughby*, Sir *Walter Talboys*, and Sir *Richard Haunſerde* Knights, *Robert Tirwhit, Will. de Lodyngton, Will. Michel* and *Thomas Enderby*, for thoſe betwixt **Boſton** and **Trent**.

[a] Par. 9 H. 4. p. 2. m. 21. in dorſo.

In 10 *H.* 4. to [b] Sir *Will. de Wylughby*, and Sir *John de Rocheford* Knights, *Will. Lodyngton, Thomas Wace, Richard de Bradlay*, and *Will. Boleyne*, for thoſe betwixt **Boſton** and **Skegeneys**, and in divers

[b] Par. 10 H. 4. p. 1. m. 13. in dorſo.

* Ex collect. præf. Comitis de **Lindſey**.

Lindſey. towns and places within the Sokes of **Bolyngbroke** and **Hoyncaſtre**; with direction to proceed therein according to the Cuſtome of the Marſh, and the Law and antient Cuſtome of this Realm.

c Par. 11 H. 4. p. 1. m. 3. in dorſo. In 11 *H.* 4. to [c] *Robert Tirwhit*, Sir *John Rocheford* Knight, *Robert Waterton*, *John Waterton*, *John Skipwyth*, *Will. Lodyngton*, *Richard Tournay*, *Richard Bradley*, and *Thomas Wace*, for thoſe betwixt **Boſton** and **Friſkeney**, and to act therein according to the Law and Cuſtome of this Realm, and the Cuſtome antiently uſed in that place. In 12 *H.* 4 to [d] *Robert* Lord *Wylughby*, Sir *Thomas Wylughby* Kt. *Robert Tirwhit*, *Robert Waterton* and others, for thoſe betwixt **Boſton** and **Waynflete**; with appointment to do all things therein according to the Law and Cuſtome of this Realm: The like Commiſſion [e], the ſame year, had *Rob. Tirwhit*, Sir *Richard Haunſard* Knight, *Will. Lodyngton*, *Nich. Tournay*, *Thomas Claymond*, *Henry Morley*, *John Skipwith*, and *Robert Feriby*, for thoſe Banks and Sewers, from **Littulburgh** all along the River of **Trent** to **Humbre**: and from **Biſhops briggis** (on the River of **Ancolme**) to **Humbre**.

d Par. 12 H. 4. parte unica m. 41.

e Par. 12 H. 4. parte unica m. 23. in dorſo.

* Ex collect. præfati Comitis de **Lindſey**. So alſo had * *Thomas Wace*, *Richard Bradley*, and others, for all the Banks and Sewers throughout this whole Province of **Lindſey**, as alſo for thoſe betwixt **Boſton** and **Friſkeney**: before whom (ſitting at **Bullingbrooke**, on *Friday* being the Feaſt day of *S. Ambroſe*) the Jurors preſented upon Oath; that it would be fit, for the preſervation of the **Eaſtfenne**, that the Dam of **Waynflete** be ſhut throughout the whole year, that the ſalt water being kept out of the waſh, the graſſe and weeds growing therein might be totally deſtroyed: and to be thus ſtopped up, by the towns of the Wapentake of **Bullingbroke**, and the Inhabitants of **Wrangle**, **Leake**, **Leverton**, **Benington**, **Butterwik**, **Freſton**, and **Toſte**, in ſuch ſort, that the water deſcending from the mountainous parts of **Lindſey**, and running into a certain Sewer called **Luſdyke**, in **Lindſey**, *viz.* in **Thorpe**, **Wainfleet**, and **Stepinge**, ſhould be ſo kept within the bounds of a certain trench, that it might not enter into the ſaid *Waſhe* of the **Eſt fenne**, but keep it courſe to the Haven of **Waynflete**, and thence to the main Sea.

In 13 *H.* 4. the King, by his Attorney, impleaded [f] *Will. Leveryk* of **Irby**, and *Iſabell* his wife, for making of a Ditch in a certain place in **Waynflet** called **Hall dale**, by means whereof four Sewers which paſſed the freſh waters from **Bullingbroke** and other Towns adjacent, in **Eſt fenne** and **Weſt fenne**, became obſtructed, to the prejudice of the ſaid Kings fiſhing there, and the overflowing of four Acres of his ſaid land.

f Plac. coram Rege term. Hil. 13 H. 4. rot. 53. Linc.

In 1 *H.* 5. *Robert Tirwhit*, Sir *Richard Haunſard* and Sir *William Frank* Knights, *Thomas Enderby*, *Richard Hawe* and *Simon Louthe* were conſtituted [g] Commiſſioners for the view and repair of the Banks, Sewers and Ditches, from **Wytherne** to the Sea, and betwixt **Saltfletby**, and **Truſthorpe**; and to do all things therein according to the Law and Cuſtome of the marſh. Divers other Commiſſions to the like purpoſe, were ſhortly after directed to ſundry other perſons; *viz.* in 6 *H.* 5. to [h] the ſame *Rob. Tirwhit*, *Will. Lodyngton*, *Tho. Cumberworth*, *Roger Flore*, *Thomas Enderby*, *Thomas Somercotes*, *John Kyme* and *John Langholme*, for all the Banks and Sewers in this Province of **Lindſey**: In which Commiſſion they had direction to proceed according to the Law and Cuſtome of this Realm.

g Par. 1 H. 5. p. 1. m. 21. in dorſo.

h Par. 6 H. 5. p. 1. m. 21. in do ſo.

In 1 *H.* 6. to [i] the ſame *Robert Tirwhit*, *Thomas Santone*, *Robert Feryby*, *Robert Waſſelyn*, *Henry Morlay* and *Thomas Belwode*, for thoſe betwixt the Rivers of **Trent** and **Ankholme**: wherein they were to act according to the Cuſtome of the Marſh, and the Law and Cuſtome of the Realm. In 4 *H.* 6. to [k] Sir *Robert Wylughby*, Sir *Raphe Crumwell*, Sir *William Crumwell*, and Sir *Raphe Rochford* Knights, *Walter Talboys*, *Robert Tirwhyt*, *John Kyme*, *Richard Hawe* and *John Veere* for all the Banks, Ditches and Sewers throughout this coaſt of **Lindſey**. In 6 *H.* 6. to [l] *John Beaumont*, Sir *Will. Tirwhit* Knight, *John Ellerker*, *Robert Feryby*, *John Tourney*, and others, for thoſe betwixt **Gymeſby** and **Burton Stather**.

i Par. 1 H. 6. p. 1. m. 30. in dorſo.

k Par. 4 H. 6. p. 1. m. 9. in dorſo.

l Par. 6 H. 6. p. 1. m. 6. in dorſo.

In 9 *H.* 6. to [m] Sir *Robert Wylughby*, Sir *Raphe Crumwell*, and Sir *Raphe Rochefford* Knights, *John Ellerker*, *Walter Talboys*, and others, for all within this whole

m Par. 9 H. 6. p. 1. m. 23. in dorſo.

Provinoe

vince of **Lindſey**; with direction and power to make Laws and Ordinances for the ſafeguard and preſervation of the Sea-coaſts and Marſhes of the ſame, and of the adjacent parts, conſonant to the Laws and Cuſtomes of **Romney** marſh; and to hear and determine of all things touching the ſame, according to the Law and Cuſtome of this Realm, and the Cuſtome of the ſaid Marſh: As alſo to impreſt ſo many Artificers and other Labourers, for that work, upon reaſonable ſalaries, as they ſhould deem neceſſary to imploy therein, conſidering the great and urgent neceſſity to haſten the ſame. The like Commiſſion[n] in 11 *H.6.* had the ſaid Sir *Robert Wylughby*, Sir *John Beaumont*, Sir *Raphe Cromwell*, and Sir *Thomas Cumberworth* Knights, *James Strangways*, *John Ellerker*, and others.

[n] Pat. 11 *H.6.* p. 1. m. 16. in dorſo.

In 12 *H. 6.* it was found * by Inquiſition, that the Haven of **Waynfleet** ought to be repaired by the Tenants of the Duke of **Lancaſter**, and the Lord of **Dalby**. And ſo likewiſe the **Ea**, from that bridge, which is towards the Church of *All Saints*, towards the Dam.

* Excoleſt. præf. Comit. de **Lindſey**.

And in 15 *H. 6.* I find * that there was an allowance of *xxij* l. *iiij* s. *ix* d. for the repair of that Haven; whereof the Lord of **Dalby**, for his third part, allowed *vij* l. *viij* s. *iij* d. and the Lord of **Bullingbroke** *xij* l. *iij* s. *ij* d. over and above *Liij* s. *iiij* d. to be paid by the Bayliff, upon agreement. At which time it was likewiſe preſented, that the ſaid Haven of **Waynfleet**, from the Dam unto **Lymgreynes**, and thence to **Nayman dyepe**, ought to be repaired by the Lords of **Bullingbroke** and **Dalby**.

* Ibid.

In 17 *H 6.* at a Seſſion of Sewers held at **Louthe**, upon *Saturday* next after the Feaſt of the *Epiphany*, before *Richard Haghe* and *John Langholme*, with their aſſociates, then in Commiſſion for the view and repairs of the Banks, Ditches, and Sewers in theſe parts, there was a preſentment [o] exhibited by the Jurors, ſhewing, that it would be moſt profitable and neceſſary for the drayning and evacuation of the ſuperfluous water, from the North Common of **Wynthorpe** towards the Sea, that there ſhould be made one new and competent Sewer in that common, extending it ſelf from **Coulond gate**, in **Wynthorpe**, unto a certain Sewer there, called the **Old Sewere**, and ſo deſcending towards the North, unto the Fee of the Dutchy of **Lancaſter**, called **Fiveſcore acres** in **Ingoldmels**: thence towards the Eaſt into a certain Sewer there, called the Old Sewer, where it would be commodious and expedient, for the conduct of the ſuperfluous water towards the Sea, to make a new Gutter in that very place, where the Chanel called the **Old Gote**, in **Ingoldmels** was, unto the ſaid Old Sewer; and ſo deſcending to the Fee of the Lord *Wylughby* and Sir *John Gryffith* Knight, called **Revelandes**, in **Skegnes**; and thence into a certain Sewer, called the **Old Sewer** in **Skegnes**, to the Sea. And that the ſaid Sewer and Gutter, ought to be made, and afterwards repaired by all thoſe who had lands or Tenements in the North Common of **Wynthorpe**, and the North Common of **Skegnes**, in reſpect of what they enjoyed in thoſe places; that is to ſay, every one according to the number of his Acres there: and by the Land-holders of **Fiveſcore Acres**, in **Ingoldmels** aforeſaid; *viz.* every man according to the number of his Acres there. The Shireeve therefore of this County, was commanded to ſummon all the ſaid Land-holders, in the ſaid places called the North Common of **Wynthorpe**, and the North Common of **Skegnes**, and likewiſe in the **Fiveſcore Acres** in **Ingoldmels** before-mentioned, to appear before the above-mentioned Commiſſioners, at **Louthe**, upon the *Monday* before *Palme Sunday*, then next enſuing, to ſhew what they could ſay for themſelvs, why they ought not to make and repair thoſe Sewers according to the form of the before-ſpecified Preſentment.

[o] Ex bund. de Brev. & Record. Will. Thorpe, &c. tangentibus, fo. 19.

At which day *Robert Etton*, then the Kings Attorney, came to **Louthe** aforeſaid; but the ſaid Shireeve not receiving his Precept ſoon enough, could not ſummon thoſe Land-holders to be there as aboveſaid: therefore he was required to give them warning to appear at **Barwell** on the *Monday* in *Whitſon week*, then next following: which he did do accordingly, but none of them came: the Court therefore ordered that the before-ſpecified Sewers and Gutter ſhould be made & repaired by all the ſaid Land-holders, at their own proper coſts and charges, according to the form of the ſame Preſentment.

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In 22 *H.* 6. Sir *Robert VVylughby*, Sir *Leon Welles*, and Sir *Raphe Cromwell* Kts. *Robert Sheffield*, *John Langholme*, and others, were conſtituted [p] Commiſſioners for the view and repair of all the banks *&c.* in theſe parts of **Lindſey**; and to determine all things therein according to the Cuſtome of the Marſh till that time uſed and approved, and according to the Cuſtome of this Realm.

[p] Pat. 22 H. 6. p. 1. m. 17. in dorſo.

In 24 *H.* 6. *John Viſcount Beaumont*, Sir *Raphe Cromwell*, Sir *Thomas Cumberworth*, and Sir *VVilliam Tirwhit* Knights, *John Tailboys*, *Richard waterman*, *Robert Sheffield*, and others, had the like Commiſſion [q] for the view and repair of all the Banks, Ditches and Sewers in the Wapentakes of **Yarburgh**, **Wauley**, **Coryngham**, **Welle**, **Laures**, **Haſlokhowe**, and **Walſh croſt**, within this Province; and to make Laws and Statutes proper for the ſame, conſonant to the Laws and Cuſtomes of **Romeney** marſh: As alſo to do all things therein according to the Law and Cuſtome of this Realm, and the Cuſtome of that Marſh: And to take ſo many Labourers, upon competent wages to be imployed in the ſaid work, as ſhould be neceſſary for the ſame, conſidering the great neceſſity of expedition to be uſed therein.

[q] Pat. 24 H. 6. p. 2. m. 18. in dorſo.

Many other Commiſſions for the Banks and Sewers aſwell throughout this whole Province as in ſundry places thereof, were afterwards iſſued out to ſeveral perſons of the ſuperiour rank, in theſe parts, *viz.* in 29 *H.* 6. to [r] Sir *Robert Wylughby*, Sir *Leon Welles*, and Sir *Raphe Cromwell* Knights, *Richard VVelles* Eſquire, *John Taylboys*, *Rich. Waterton*, and others, for thoſe Banks *&c.* throughout this coaſt of **Lindſey**; with direction and authority to proceed therein as aboveſaid. So likewiſe in 31 *H.* 6. to [s] *John* Viſcount *Beaumont*, Sir *Leon Welles*, and Sir *Raphe Cromwell* Knights, *John Tailboys*, and others. As alſo to [t] the ſaid *John* and *Raphe*, with Sir *Hugh Wythom* Knight, *Richard Bedyngton*, and others, for thoſe within the Precincts of **Skegney**, **Dodyngton-Pygote**, and **Tydgote**, in this County.

[r] Pat. 29 H. 6. p. 1. m. 13. in dorſo.

[s] Pat. 31 H. 6. p. 1. m. 22. in dorſo.

[t] Ibid.

In 34 *H.* 6. to [u] the ſaid *John* Viſcount *Beaumont*, *John Taylboys*, *Richard Waterton*, *Robert Sheffield*, and others, for thoſe in the Wapentakes of **Yarburghe**, **Wanley**, **Coryngham**, **Welle**, **Laures**, **Haſlokhowe** and **Walſhcroſte** in theſe parts of **Lindeſeye**.

[u] Pat. 34 H. 6. parte unica m. 23. in dorſo.

In 35 *H.* 6. to [w] the ſaid *John*, Sir *Richard Welles*, Lord *Wylloughby*, *John Taylboys*, *Robert Sheffield*, *Richard Benyngtone* of **Boſton**, and others, for all thoſe throughout this whole coaſt.

[w] Pat. 35 H. 6. p. 2. m. 19. in dorſo.

The like Commiſſion [x] in 2 *E.* 4. had Sir *Humfrey Bourchier*, Lord *Cromwell*, Sir *William Skipwith* Knight, *Thomas Burghe*, *Thomas Blount*, *John Whichecote*, and divers others.

[x] Pat. 2 E. 4. p. 1. m. 10. in dorſo.

In 6 *E* 4. to [y] *Richard Pynchebek*, *Richard Welby*, *John Pynchebek*, *Thomas Meres*, *Leonard Thornburgh*, and others, for thoſe Banks and Sewers from **Skegnes** and **Dodyngton-Pygot**, to **Tyddegote**.

[y] Pat. 6 E. 4. p. 1. m. 15. in dorſo.

In 7 *E.* 4. *Thomas Kyme* of **Friſkeney**, and others, had the *Port of **Waynflete** to ferm, with Market and Wind-mill; as alſo the Court of the ſaid Market and Haven, and fiſhing within the ſame; paying xx l. yearly, and ſupporting all chardges belonging to the ſaid Haven, Mill and fiſhing.

* Excoll. &. præf. Comitis de **Lindſey.**

In 49 *H.* 6. [z] *John* Biſhop of **Lincolne**, *George* Duke of **Clarence**, *Richard* Earl of **Warwick** and **Saliſbury**, Sir *Humfrey Bourchier*, Lord *Cromwell*, Sir *Gervaſe Clyfton*, and Sir *Will. Skipwith* Knights, *Robert Taylboys* Eſquire, and others, had Commiſſion for the view and repair of all the Banks and Sewers throughout this whole Province.

[z] Par. 49 H. 6. Parte unica m. 9. in dorſo.

The like Commiſſion [a] in 12 *E.* 4. had Sir *Richard Haſtyngs*, Sir *Thomas Burgh*, and Sir *Will. Skipwith* Knights, *Robert Taylboys*, *Robert Ratclyf*, and others.

[a] Par. 12 E. 4. p. 1. m. 12. in do ſo.

So alſo, the ſame year, had [b] *Thomas* Prior of **Spaldyng**, *Richard welby*, *Leonard Thornburgh*, *Richard Pynchebeck*, *John Bolles*, *Robert Dokkyng*, and others, for thoſe from **Dodyngtone-Pygot** to **Tyd-gote**; and thence to **Skegneſſe**.

[b] Ibid.

By all which Commiſſions, ſince 6 *H.* 6. power was given to the perſons before-mentioned and their aſſociates, to act therein according to the Cuſtome of **Romeney** Marſh, as aboveſaid.

In * 4 *E.* 6. *VVilliam* Lord *VVilloughby* of **Parham**, Sir *Edward Dymok*, and Sir *John Copeldyk* Knights, *George S. Poll*, and others, Commiſſioners of Sewers, by a Decree made at **Wrangle**, on the firſt day of *September*, ordained; that the Inhabitants of the Soke of **Bullingbroke**, together with Sir *VVilliam Brereton*

* Excoll. præfati Comitis de **Lindſey.**

t on Knight, the Lord of **Dalby**, and the Kings Fermour of his fishing at **Waynflete**, and all others drayning thereby, should clense, scour, and dyke the Haven of **Waynflete**, from the **Se end** unto the Sea, in bredth *xxij* foot at the top, and in the bottome *xiij*. And in depth from the Chanel downwards, three foot; to be done before the Feast of *S. Peter ad Vincula*, then next following: And that a sufficient Gote or Clow, set up at the outer end of the same Haven, for stopping of the salt water out of the North part thereof, should be made there, at the costs of the Inhabitants of the said Soke, the Lord of **Dalby**, and the Kings Fermours of his fishing there. And moreover, that an old Gote and Dreyner, called **Symond's gote**, extending in length from the deep of the East Fen, unto the Fen bank; and from that Fen bank to the Sea, which was then decayed for lack of scouring, should be sufficiently clensed: So likewise the Dyke and Sewer, extending from the Deep of the Fen, unto the Fen bank: Also, that there should be two Gotes made of the said Drayner and Sewer; the one at the Fen bank, and the other at the out end of the Sea, at the costs of the Inhabitants of the said Soke, and the Inhabitants of such towns, and the Landlords therein, who had, before that time been chardged, betwixt the Fen bank and the deep of the said Fen; and all to be done before *Martinmasse* then next ensuing.

And farther than this, wherein I have given instance, I shall not descend to any more particulars till the time of Queen *Elizabeth*, that *Thomas Quadring*, *Hamond Upton*, *Thomas Marsyngberd*, and others, then Commissioners [c] of Sewers, sate at **Partenay** on the 22th day of *July* in 2 of her reign, for the setling of all things touching the repair of the Banks and Ditches in this Provicne: before whom the Jurors then presented; that there was one Sea-bank new made, in **Skegnes**, to begin at a place called **Ranson hyrne**, and to be *xl* falls in length, from the North end of the said **Ranson hyrne** towards the South; and so to be joyned and closed unto the old bank: which said Sea-bank to be fifty foot in the skirt, fourteen foot broad on the top, and *xij* foot in height, and to be made by the Land-holders in **Skegnes** aforesaid. And they likewise, at that time presented, that the old Sea-bank ought then to be repaired for it's better withstanding the rage of the Sea. Also that another new Sea-bank should be new made, within the limits of **Skegnes** aforesaid, from one staver there, which goeth up the lands late belonging to *Charls* Duke of **Suffolke**, unto the South end of the Gild Hall; which new bank to be *xx* falls in length, and to stretch from the said Gild-Hall to the old Bank, and be made by the said Land-holders.

Likewise, that the old Sea bank, in **Skegnes**, called the **Haven bank**, should be repaired where defect was.

Also, that **Wainflet haven**, being defective for want of scouring, from the Crosse, at the **Eyes end** into the Sea; that being a necessary drayn for the Soke of **Bullingbroke**, and heretofore diked and scoured by the Inhabitants thereof; and to be done before the Feast of *S. John Baptist* next following. Moreover, that a place there, called **Guddyke**, which leadeth from the **Eyes end** to the Fen, be also scoured; *viz.* two parts thereof by the said Queen or her Fermour for the fishing there; and the third by the Lord of **Dalby**, as had been accustomed. And that a new Gote, or Clow, be set in **Waynflet haven**, within ten falls of **Thorpe** and **Waynflet** Sea-gote; and a Bank on the South side of the said Haven, from the said new Gote unto the ..... and that the Inhabitants of the seven towns in **Holland** should be at the chardge of setting up the said new Gote, in respect of their benefit of common in the East and VVest fenns.

Also, that the Bank to be then made between the new Gote and **Thorpe**, be done; *viz.* three parts thereof at the chardges of *Hamond Upton* Esquire (one of the Commissioners above-mentioned) and the fourth at the chardges of *John Whiting* & *Rob. Whiting*; and the bank on the South side of the Haven to be don by the Soke of **Bullingbroke**. Likewise, that a new Gote be set at the Fen Dyke bank, to take in fresh water by in, to be done by the Inhabitants of **Waynflete** *S. Mary*: And another Gote, called **Dayles** gote: and another to be set four-score falls beneath the old Sea Gote; both to be done by the Land-holders in.

[c] Inquis. in cancellâ Roculorum. n. 66.

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flet S. *Mary* aforeſaid. And that a new Cryke of xxx foot wide, and ſix foot deep, be made from the ſaid new Gote unto the old Gote; and beneath the ſaid new Gote another new Cryke made, from the ſaid new Gote unto the old Cryke, to be done by the Lords and Land-holders in **Waynflet** S. *Mary*: and on either ſide the ſaid Cryke a ſufficient Sea-Bank to keep out the flouds of water.

And they alſo preſented, that one petty Gote ſhould be made in **Croſſe gate**, againſt nine Acres of Mr *Dyghtons*: and another in **Weſtgate**, againſt *Thomas Harryſons* Acre; as alſo a ſpout in **Hall gate**, another in **Somergate**, and another in **Acregate**.

Likewiſe that a ſpout be made in **Waynflete** *All Saints*, over the gate on the North ſide of **Burflet**, at the chardge of the holders of the Lands which did drayn it.

And that another ſpout be laid at the higher end of **Collyſon gate**, at the chardge of lands that ſhould drayn by it. As alſo another between **Hall toft** and *Richard Lowys* his land, by the lands that were to drayn by it. And another againſt one Dyke end of *John Holydays*, by all the lands which ſhould drain by it.

All which things were then decreed by the before-ſpecified Commiſſioners; and ſeveral other Orders by them made for the cleanſing and repairing of ſundry Drayns, Sewers, and Gotes, which were then defective.

There was alſo in the ſame ſecond year of Queen *Eliza.* reign, a Decree [d] made in the Dutchy Court, that the Port and Haven of **Waynflete**, from the Weſt end of the **Eye**, unto the Sea, or the place called **Norman diepe**, ſhould be repaired, diked and ſcoured of ſufficient depth and bredth, as before that time had been accuſtomed; and this to be performed by the ſaid Queen or her Fermours of her fiſhing at **Wainflete**, the heir of Sir *William Brereton* K^t. or his Tenants; and by the Soke of **Bullingbroke**; *viz.* two parts of the ſaid Port, from the ſaid place, called the Weſt end of the **Eye**, unto the Sea, or place called **Norman diepe**, at the chardges of the ſaid Queen, or her Fermours; the heir of the ſaid Sir *William Brereton* Knight, a fourth part; and the Inhabitants of the Soke of **Bullingbroke**, the other fourth part.

[d] Ex colle&. præf. Comitis de **Lindſey**.

After this, *viz.* 4° *Aprilis* Anno 1571. (13 *Eliz.*) there was a view [e] taken of the freſh and ſalt water banks in **Waynflete S. Mary**, by *Tho. Quadring* Eſq; the high Shireeve of **Lincolnſhire**, *Hamond Upton* Eſquire, *William Derby*, and *Anthony Kyme*, and other Juſtices of Sewers; at which time it was preſented, [f] that the North end of a bank called the **Fen dyke** in **Waynflete** S. *Maries*, extending to **Deacon gappe** againſt the South in **Friſkeney**, being in length three hundred rode, ought to be repaired by the Commoners of **Waynflete** S. *Maries*, for that the ſaid Commoners got Reed, and did fiſh in two Fens adjoyning to both ſides of the bank; and becauſe the ſaid Commoners had bit for their Cattel in the ſaid two Fens.

[e] [f] Ibid.

And that from the ſaid **Deacon gappe**, unto the Clow called the **Fen Clow**, and thence unto **Strange place**, the ſaid bank being in length about three miles, and in decay, ſo that the Inhabitants of **Friſkeney** were thereby ſurrounded, ought to be repaired by the owners and Commoners as were before that time accuſtomed to do it.

Likewiſe, that **Simon gote**, being uſed as before had been accuſtomed, might ſerve for a whole Drayn, aſwell for the taking away of the head of the waters out of the **Eaſt fen**, as for the low grounds adjoyning to the ſame, in **Friſkeney** and **Wrangle**; and the ſaid low grounds in **Friſkeney** and **Wrangle**, to bear ſuch reaſonable chardges in the ſame Drayn, as by the Bench ſhould be thought meet.

Alſo that **New gate** in **Friſkenay** was a ſufficient Drayn for the ſaid Town, ſo that it were ſcoured and cleanſed, with the petty Drayns belonging thereto.

And laſtly, that **Waynflet S. Mary** was then deſtitute of any Drayn; whereupon they deſired, that it might have a Drayn into **Waynflet** haven. All which were then decreed [g] accordingly.

[g] Ibid.

And in a Seſſion of Sewers held at **Alford** 4° *Funii* 23° *Caroli*, there was a Decree [h] made, that the new Sea bank of **Ingolomels** ſhould be raiſed and ſkirted **Pettibag**.

[h] Ex bund. Decret. in officio vocato the

ted to the height of **Hogstrop** new Sea-bank; *viz.* nine foot and an half, twelve foot square, and sixty foot in the skirt, from the said **Hogstrop** Sea-bank to *Watson's* house in **Ingoldmels**, at the chardge of **Croft, Burgh, Yatoft, Irby, Frisby**, great **Stieping** and **Gunby**, the Landlords bearing three parts thereof, and the Tenants the fourth.

Cap. XXX.

Fosse dyke ON the South West side of this Province is **Fosse dike**, an artificial trench, extending from that great Marish below the City of **Lincolne**, unto the River of **Trent**, at **Torkley**, which is about seven miles. This was made[a] by King *Henry* the first, in the year 1121. (21 *H.* 1.) for the bringing up of navigable Vessels from the said River unto that City, for the Commodity thereof. Which trench, as it was of special consequence for that purpose, so did it no lesse benefit to the parts adjacent, by drayning that Fenny Levell from the standing water then much annoying it.

[a] *R. Hoved.* p. 273. b. n. 20.

But this Ditch, standing in such a flat, that it had no quick current of water through it, to scour out the mud and filth, which by little and little increased therein; it came in time to be so choakt up, that it stood in need of clensing: for supporting therefore of that chardge, certain summs of money were assessed upon those Land-holders which had benefit thereby, and Collectors appointed for the same: which Collectors converting a great part thereof to their own use, King *Edward* 3. in the 9th year of his reign, assigned[b] *Adam de Lymberg, Geffrey de Ederham, Thomas de Sibethorpe*, and *Nicholas Belowe* to enquire thereof.

[b] Par. 9 E. 3. p. 2. m. 29. in dorso.

What was then done therin I find not: but certain[c] it is, that within thirty years after, it was grown so full of weeds and grasse, and the earth so trodden into the same, by driving of Cattel over it in several places, and the mud increased to such a thicknesse, that the Citizens of **Lincolne**, aswell in behalf of themselves and other Tradesmen of the City of **Yorke**, towns of **Notingham**, and **Kingston** upon **Hull**, as several other places, did in 39 *E.* 3. make a great complaint thereof to the King, in Parliament; representing the damage which accrued to them thereby, in regard that ships and Boats could not passe too and fro, therein, with Merchandizes and Victuals, as they had wont to do. The said King therefore, much tendring the good of that City, and the benefit of all other persons who had occasion to passe through the same with Boats and other Vessels for their better advantage in the way of commerce and trade; and to that end being willing to apply a speedy remedy thereto, constituted *Philip de Lymbury, Will. de Skipwith, Adam de Lymbergh, Illard de Usflet, Robert de Morton* and *Walter de Poynton*, or any four, three, or two of them, to view the said Chanel and the defects thereof; and to enquire by the Oaths of honest and lawfull men of this County, aswell within liberties as without, who they were that ought and had used to clense the same, and for how long time, and in what manner they had so done; and to distrain them and every of them, whom they should find lyable thereto, to repair and make good those defects as often as need should require; and to compell them thereto by amerciaments, and such other ways and means as they should think most fit: and to hear and determine of all and singular the premisses, according to the Law and Custome of this Realm.

[c] Par. 39 E. 3. p. 1. m. 33. in

Lindsey.

But if these Commissioners did any thing therein, it amounted to little; for about ten years after (the Term being then kept at **Lincolne**) the Jurors of divers Wapentakes in this County, did exhibit a Presentment[d] in the Court of Kings Bench; importing, that this Chanel called **Fossedike**, extending it self from the River of **Trent** at **Torkley**, unto the City of **Lincolne**, having been antiently open and full of water, so that ships and boats, laden with Victual and other vendible Commodities, did use to passe to and from **Notingham, Yorke, Kingston** upon **Hull**, and sundry other places and Counties, by the said River of **Trent**, and so by this Chanel

[d] Plac. coram Rege de term. Mich. 49 E. 3. rot. 17.

Fosse dyke

nel to **Lincolne**; and from **Lincolne** to **Boston**, to the great benefit of the said City of **Lincolne**, and advantage of all Tradesmen passing that way, as also of the whole Country adjacent; was then choakt up for want of clensing and repair. And that the Prior of **Toxkesey**, and town of **Toxkesey**, with the members thereof; the Prioresse of **Fosse**; *John* Bishop of **Lincolne**, *Gilb.* Earl of **Angos** & his Tenants, Sir *Raphe Daubney* Knight and his Tenants; the Abbot of **Newsum**; *John Frunell*; the Tenants of the lands of *Gilbert de Bridshull*; the Tenants of the lands of *Hugh de Normanton* of **Sarelbie**; the Lady *Katherine Swinford*; *John Brett* of **Thoxnhagh**, in the County of **Notingham**; Sir *Raphe Painell* Knight, and all other the Lords of the Towns, lying on each side the said Chanell, and their Ancestors whose Lordships lay on either side and abutting on the same, every man according to the proportion lying against his own Lordship, did and ought to clense and repair the said Chanel. And they said moreover, that it had been so choakt up and obstructed, for above thirty years then last past, to the great damage of the King, as also of the whole Country, and City aforesaid.

Notwithstanding which Presentment, the King issued out a Commission [c] the very next ensuing year, unto Sir *Michael de la Pole* Knight, Mr *Geffrey le Scrope*, and *John de Stafford* Clerk, to enquire touching the obstruction thereof. But I make a question whether it was thereupon clensed: for in 8 *R.* 2. (which was about nine years after) I find that *John* Duke of **Lancaster**, *John* Bishop of **Lincolne**, *Henry Percy* Earl of **Northumberland**, Sir *Michael de la Pole* Knight, Sir *Philip Darcy* Knight, and others, were appointed [f] by the said King, to cause it to be repaired and scoured, so that ships and boats might have a clear passage through it, as antiently they had used.

[c] Pat. 50 E. 3. p. 1. m. 20. in dorso.

[f] Pat. 8 R. 2. p. 1. m. 33. in dorso.

Cap. XXXI.

The Marshes on Withom.

ON the South side of this Province, lyeth the River of **Witham**, extending it self from the Suburb of **Lincolne** to **Boston**; by which stream great Vessels have antiently come up from **Boston** to that City, as the Inhabitants thereof do, by tradition, affirm; and as may seem by large ribs of them, which, within memory, have been there dig'd up: But the descent of this stream, from the said City to the Sea, is so little, that the water having a slow passage, cannot keep it wide and deep enough, either for navigation, or drayning of the adjacent Marshes, without the frequent helps of digging and clearing the same; the mud and weeds increasing so much therein: I shall therefore in the next place take notice of what I have met with, tending to that purpose, as also of it's course above that City: whereof the first mention that I find, is in 6 *E.* 3. *Henry de Fienton*, *will. Dysney*, and *Thomas de Sibthorpe* being then constituted * the Kings Commissioners, for the viewing thereof, betwixt the Town of **Bekingham** and the City of **Lincolne**; it being turned out of it's right Chanel in sundry places; and so obstructed with sand, mud, and plantation of Trees; as also by Floudgates, Sluses, Mills, Causeys and Ditches, that the course of the same being hindred, caused frequent inundations to the lands adjacent.

* P. 1. 6 E. 3. p. 2. m. 27. in dorso.

After this, *viz.* in 37 *E.* 3. there was a Presentment [a] exhibited to *John de Repynghale* and *H. Asty*, then the said Kings Commissioners of Sewers, sitting at **Newerk**, upon *Monday* next after the Feast of *S. Laurence*, for the view of the said River of **Withom**, and removing all obstructions and impediments, whereby the free current thereof, from the Town of **Claypole** unto the said City of **Lincolne**, was hindred.

[a] Ex bund. de Brev. & Record. de Wallias & tangentibus, n. 7.

VVhich Presentment being made by the

Lindſey. the Jurors for the Wapentakes of Boby and Graſſow, importeth; that the Eaſt Mill at Bracebrigge, belonging to the Knights Hoſpitalars of *S. John of* Jeruſalem *in* England, ſtanding in the right courſe of that River, did obſtruct the current thereof, to the great damage of the ſaid King and the Country; and that this was through the default of thoſe Knights Hoſpitalars: And they farther ſaid, that the ſame River then had not ſufficient depth nor bredth, from the Sheep-cote belonging to the Prior of *S. Katherines* unto the bridge at Bracebrigge; and that the ſaid Knights Hoſpitalars had certain Floud-gates there, which did turn the right courſe of that River out of it's proper Chanel: whereupon the Shireeve of Lincolnſhire was commanded to ſummon the Prior of the ſaid Hoſpital of *S. John* of Jeruſalem, to appear before thoſe Commiſſioners, at Newerk, the *Wedneſday* next after the Feaſt of the *Aſſumption* of the bleſſed Virgin, then next enſuing, to anſwer to theſe particulars. Who appearing, accordingly, did allege; that he and his Predeceſſors had been ſeized of the ſaid Mill time out of mind, as in the right of their Houſe; and that the ſaid Mill then ſtood as it had antiently uſed to do, without that, that either he or his Predeceſſors had built any new Mill there; and that this he was ready to juſtifie. And as to the Floud-gates, he ſaid; that it was erected there, time out of mind, with this Order; *viz.* that the Gates thereof ſhould be yearly removed from the Feaſt day of *S. Elene*, in the month of *May*, unto the Feaſt day of the *Exaltation* of the *Holy Croſſe*; but that after that day, untill the Feaſt of *S. Elene*, they ſhould ſtand in their places. And if the ſaid River of Withom ſhould happen, upon any occaſion, to be ſo much raiſed, as to be above a certain ſtake, ſtanding on the South ſide of the ſaid Floudgates, then the ſame Gates to be removed, untill the water ſhould abate to the height of that ſtake: which ſaid ſtake had been there made and placed, for a gage, time out of mind; without that, that any Floud-gates were raiſed higher than that ſtake, or that the ſame Floud-gates ought to be removed.

The buſineſſe therefore being come to this iſſue, the ſaid Commiſſioners ſitting at Carleton in Moreland, on *Friday* next after the Feaſt of *S. John Baptiſt*, in the year aboveſaid, it was found by a verdict of the Jurors, that the ſaid Prior of *S. Johns*, and his Predeceſſors, were not ſeized of the ſaid Mill and Floud-gates time out of mind, as had been before alleged; but that they were erected there after that time, though not by the ſaid Prior: therefore it was decreed, that the ſaid Mill and Floud-gates ſhould be removed; and the Shireeve of Lincolnſhire had command to remove them accordingly, and to make certificate of his doings therein to the ſaid Commiſſioners, at Sleford. The Wardſhes upon Withom.

And about two years after this, there was a Preſentment [a] made in the Court of Kings Bench, that the Chanel of this River, in Wildemore, neer Coningeſby, was bending and defective, betwixt the ſaid River and a Sewer called Wardyke, in Coningeſby, ſo that the Marſhes of Wildemore and Bolingbroke were overflowed and drowned thereby: and that this was through the default of the ſaid Town of Coningeſby who ought to repair the ſame.

[a] Plac. coram Rege term Mich. 49 E. 3. rot. 43. Linc.

In 1 *R* 2. *William de Skipwith*, *Raphe de Threſke*, *William Vincent* and *William de Candeleſby* were conſtituted [b] Commiſſioners for to view the defects in repair of a certain Ditch, lying betwixt Snartford bridge, and the before-ſpecified River of Wythom; and to enquire who ought to repair the ſame. And in 6 *R.* 2. the King being informed [c], that the ſaid River of Wythom; as alſo that of Bryant, and certain Ditches and places, whereby divers waters in the County of Nottingham and this of Lincolne, did and had uſed to run from the Town of Cleypole, and ſo down by Lincolne, unto the ſame River of Wythom, were ſo choaked up with mud, and obſtructed with the planting of Trees, that, by reaſon thereof, and of certain Floud-gates, the current of the ſaid water being hindred, the lands, meadows and paſtures of divers perſons, had been very often overflowed, and did at that time ſo continue; he aſſigned *John Buſſy*, *Henry Aſty*, *Thomas Claymond*, and others, to view the ſame, and to make the ſaid Chanels and Ditches larger, ſo that they might be *xl* or *xxx* foot wide,

[b] Par. 1 R. 2. p. 2. m. 24. in dorſo.

[c] [d] Par. 6. R. 2. p. 1. m. 1. in dorſo.

Theyar-thes upon Witham.

betwixt the Banks, and ten foot in depth.

The like aſſignation [c] had *William de Croſſeby*, *John de Rocheford* of **Boſton**, *John de la Launde* of **Pynchebek**, *Thomas de Toſte*, and *John Waleys* in 18 *R.* 2. for the view and repair of thoſe Banks and Sewers betwixt **Hill dyke** and **Bullingbroke**, and betwixt this River of **Wythom** and the Sea; and to do all things therein, according to the Law and Cuſtome of this Realm, and according to the Cuſtome of **Romeney** marſh: As alſo to take ſo many Diggers and Labourers, upon competent ſalaries, in regard of the then urgent neceſſity, as ſhould be ſufficient to accompliſh that work. So alſo in 3 *H.* 5. had [f] Sir *Robert de Wylughby* and Sir *Thomas de Wylughby* Knights, *John Cokayn*, *William de Lodyngton*, *James Strangways*, and others, for all the Banks and Ditches from this River to the Sea; and to proceed therein according to the Law and Cuſtome of this Realm.

Lindſey.

[c] Par. 18 R. 2. p. 2. m. 14. in dorſo.

[f] Par. 3 H. 5. p. 1. m. 17. in dorſo.

CAP.

CAP. XXXII.

Obſervations touching the whole Great Levell.

HAving now done with all the Marſhes ſituate within the Province of **Lindſey**, in this County; and continuing ſtill my courſe South-Eaſt wards, I come next to that Great Levell, which extendeth it ſelf from about **Halton** & **Coyn-ton** in **Lincolnſhire**, through a good part of ſix Counties, *viz.* **Lincolne**, **Norfolk**, **Suffolk**, **Cambridge**, **Huntendon**, and **Northampton**; being in length no leſſe than *Lx* miles; and in bredth, from **Peterborough** in **Northamptonſhire**, to **Brandon** in **Suffolk**, neer fourty miles: all which, excepting the Iſle of **Ely**, and ſome few places of that Kind; as alſo **Holland** in **Lincolnſhire**, and **Marſhland** in **Norfolk** (both which have been long ago, by great induſtry gained from the Sea, as I ſhall clearly ſhew by and by) were for the ſpace of many ages, untill of late years, a vaſt and deep Fen, affording little benefit to the Realm, other than Fiſh or Fowl; with overmuch harbour to a rude, and almoſt barbarous, ſort of lazy and beggerly people.

But before I begin to manifeſt how and by what means the drayning & improvment thereof hath been accompliſhed, it will be proper (I conceive) to ſhew, 1. Firſt what this large and ſpacious tract originally was. 2. Next how it came to be overflowed by the Sea. 3. How **Holland** and **Marſhland** were firſt gained from the Sea. 4. How the main Levell, before-mentioned, came firſt to be a Fen. 5. The riſe, courſe, and outfalls of the ſeveral Rivers paſſing through it. 6. How thoſe their outfalls became obſtructed. 7. The vaſt extent, and great depth of the freſh waters, occaſioned by theſe obſtructions of their out-falls.

What this great Levell was at firſt.

THat this vaſt levell was, at firſt; a firm dry land, and not annoyed with any extraordinary inundation from the Sea, or ſtagnation of the freſh waters, I ſhall now endeavour to manifeſt; which may, perhaps, ſeem ſtrange to many: but when it is well conſidered, that Timber-trees will not grow and thrive where water, for the moſt part, ſtands; or in Moor, which by tract of time is bred and increaſed in ſuch moiſt places, both the one and the other may with much probability be granted. The caſe being then thus ſtated, it now remains for me to prove, that ſuch have heretofore been bred, and proſpered in ſundry parts of this now Fenny Country: which is no hard matter to do, divers perſons, yet living, being able to teſtifie, that in the late digging of thoſe Chanels and Drayns, as have been made for the exſiccation thereof, great numbers of ſuch Trees, of ſeveral kinds, have been found; moſt of Oak and Firr, and few of them ſevered from their Roots: but of ſuch as be ſo ſevered, the Roots are obſerved to ſtand in the firm earth below the Moor; of which ſort I my ſelf have ſeen ſome, that were taken up in the Fens neer **Thorney**; and have had credible information of multitudes found in other places; whereof ſome were digg'd up, at the cutting of that large Chanel, called **Downham Ea**, which extendeth it ſelf from **Salters lode**, about four miles Northwards, towards **Lynne**.

Observations touching the great Levell.

Moreover, in Marshland, about a mile VVestward from Magdalen bridge, at the setting down of a Sluse, very lately, there was discovered at *xvii* foot deep, divers Furze bushes, as also Nut-trees, pressed flat down, with Nuts found and firm lying by them; the bushes and Trees standing in solid earth, below the silt, which hath been brought up by the inundations of the Sea, and in time raised to that great thickneſse. Add hereunto what I have already observed in the Isle of Arholme, touching the Trees of Oak and Firr found in such great numbers, at the making of those Ditches and Sewers for drayning of that Fenn: which, though it lye not contiguous to this, out of all doubt is on the like levell, and was apparently a woody Country at the first. To give farther instance, therefore, to demonstrate so evident a truth, there will be no need; so that I shall hence proceed, and in the next place manifest upon what occasion this great alteration grew.

CAP. XXXIII.

How it became overflowed by the Sea.

GRanting therefore, that this Country, though lying flat and low, was not originally annoyed with the inundations of the Ocean, or any stop of the fresh waters, which might by overflowing and drowning make it fenny; and considering the situation thereof to be such, as that it is bounded on all parts by the high lands, in the form of an Horshoo, excepting towards the Sea, from that point of land, about Hunstanton in Norfolk, to Wynthorpe in Lincolnshire, which maketh it much like unto a Bay; I am now to demonstrate by what means it came to passe, that the Ocean, at first, brake into it with such violence, as that the woods then standing throughout the same, became turned up by the roots; and so great a proportion of silt brought in, as not only for divers miles, next towards the Sea, did cover the ground to an extraordinary depth (as I shall plainly shew anon) but even to the remotest parts on the verge of the High lands, as is apparent from that discovery made of late years, at the skirt of Conington down in Huntendonshire; where, upon making of a pool, by the famous Sir *Robert Cotton* Baronet, he found the skeliton of a large Sea-fish (neer *xx* foot long, as was then conjectured) lying in perfect silt, above six foot below the superficies of the ground, and as much above the present Levell of the Fen; which, by so long a continuance in that kind of earth, was petrified, as is evident from divers of the bones, both of the back and other parts, which are still preserved by Sir *Thomas Cotton* Baronet, his worthy son, amongst other extraordinary rarities, that were collected by that learned person.

But when and by what means that violent breach and inundation of the Sea was first made into this Country, I am not able positively to affirm: therefore I must take leave to deliver my conjecture therein, from the most rational probabilities: VVhich is, that it was by some great Earthquake, for, that such dreadful accidents have occasioned the like, we have unquestionable testimony.

Coss. Valentiniano & Valente (saith the tripartite [a] History) *terræ motus factus multas diruit Civitates, sed etiam mare terminos proprios mutavit; & in quibusdam locis in tantum ibi fluxit, ut loca quæ pridem ambulari poterant, remigarentur; ab aliis verò locis tantum recessit, ut arida tellus inveniretur.* *In the time of the Consulship of* Valentinian *and* Valens, *there was an Earthquake, which not only overthrew divers Cities, but altred the very bounds of the Sea; which so flowed in some parts, that men might sayl in those places, where before they did walk; and forsook other, that they became dry land.* The like relation of the same Earthquake, but somewhat more largely, doth *Ammianus* [b] *Marcellinus* make. And to the like purpose also is that of *Ovid* [c].

[a] Lib. 7. c. xvi. An. Christi CCC Lxvij.

[b] Lib. 26.

[c] *Ovid.* Meta. lib. xv.

Vide

Obſervations touching the great Level.

Vidi ego quod fuerat quondam ſolidiſſima tellus
Eſſe fretum, vidi factas ex æquore terras,
Et procul à pelago Conchæ jacuere marinæ;
Et vetus inventa eſt in montibus anchora ſummis.
Quodq; fuit campus, vallem decurſus aquarum
Fecit, & eluvie mons eſt deductus in æquor,
Eq; paludoſa ſiccis humus aret arenis.

Thus tranſlated into Engliſh by *G. Sandis.*

Where once was ſolid land Seas have I ſeen,
And ſolid land where once deep Seas have been;
Shells far from Sea, like Quarries in the ground,
And Anchors have in Mountain tops been found.
Torrents have made a valley of a plain,
High hills by Deluges born to the main,
Deep ſtanding Lakes ſuckt dry by thirſty ſand,
And on late thirſty Earth now Lakes do ſtand.

WHo would imagine, that the City of **Gaut**, in **Flanders**, had been an Haven town? yet that ſo it was, about *DCCC.* years ſince, appeareth in the life of *Charls* the great, written by the [d] learned *Du Cheſne.* So likewiſe *S. Omers*, as *Ortelius* [e] teſtifieth: *S. Audomari oppidum* (ſaith he) *olim fuiſſe Oceani portum, atq; ſinum maris latiſſimum, vel prælta littora, quæ ipſam Civitatem quaſi cingunt, demonſtrant, aliaq; innumera argumenta, & antiquitatis veſtigia &c. That S.* Omers *was a Sea port, and an ample harbour, aſwell the high ſhore, which as it were compaſſeth that City, as alſo a multitude of other arguments and badges of antiquity do manifeſt.*

d Hiſt. Franc. t. 2. f. 48.

e In theatro Orbis.

Neither do we want examples here, in ſome parts of **England**, of this kind; **Ratesborough**; *otherwiſe called* **Richborow**, in **Kent** (ſometime a Colony of the *Romans*) *was, or ever the River of* **Sture** *did turn his botome, or old Canale, within the Iſle of* **Thanet** (as *Leland* [f] affirmeth) *and by likelihood the main Sea came to the very foot of the Caſtle; but now it is off from it a mile, by reaſon of the woſe, that hath there ſwollen it up.*

f Lel. col. vol. 3. p. 138.

So alſo **Lymme hill**, *or* **Lyme**, *was ſometime a Haven and good for ſhips, that might come to the foot of the hill. And* **Rumney** (four miles diſtant from **Lymme hill**) *one of the Cinque Ports, hath been a meetly good Haven, inſomuch* (ſaith [h] the ſame *Leland*, who lived in King *Henry* the 8th's time) *as within remembrance of men, ſhips have come up hard to the Town, and caſt anchor in one of the Church-yards; but is now two miles from the Town; which is ſo ſore decayed thereby, that where there were three great Pariſhes and Churches, ſometime, there is now ſcant one well maintained.*

g Ib. f. 141.

h Ibid. p. 142.

And concerning **Eye**, in **Suffolk**, it is not a little obſervable, what he likewiſe expreſſeth; *viz.* that * *it ſtould ſeem antiently to have been, in a manner totally encompaſſed with waters; Eye in our old Engliſh ſignifying an Iſland: but now* (ſaith he) *there is no ſuch ſtore, though it be a moiſt place, eſpecially in the winter ſeaſon; which manifeſtly ſheweth, that it was heretofore a ſtanding Fen.* Adding, that *in old time Barges came up thither from the Haven of* **Chomar**, *or ſome Creek neer unto it; there having been found by the Monks of Eye, in ſcouring of their Ditches, large Rudders, done over with pitch; as alſo Barge-nailes with other naval Inſtruments, though then no Veſſels came neerer to it than* **Burſtan**, *which is* xij *miles diſtant.*

* Le'. col. vol. 3. p. 34.

And as ſome places have got from the Sea, ſo ſome other have loſt, as may ſeem by **Skegneſſe** in **Lincolnſhire**, which was [i] heretofore a great Haven Town (as the before-ſpecified Author relateth) and walled, having a Caſtle; but the old Town is clean conſumed and eaten up of the Sea. Not unapplicable hereunto is therefore that of the [k] Poet.

i Ib. p. 104.

k *Ovid.* Metam. lib. 8.

Haud procul hinc ſtagnum tellus habitabilis olim,
Nunc celebres mergis fulicisq; paluſtribus undæ.

Hard by a Lake once habitable ground,
Where Coots and fiſhing Cormorants abound.

Obſervations touching the great Levell.

Cap. XXXIV.

How Holland *and* Marchland *were firſt gained from the Sea.*

BUT though the Sea, by ſome ſuch ſtrange accident, made that irruption into thoſe parts; yet did not the tides, for any long continuance of time, flow wholly over it (as I preſume:) for moſt evident it is; that as all flouds, do from the muddineſs of their ſtreams, leave on the Verges of their quickeſt currents, a ſandy ſettlement; ſo by theſe dayly fluxes, did a vaſt proportion of ſilt fix and ſettle ſomewhat within the mouth of this Bay; which ſilt, in tract of time, increaſed to ſuch a height, as that it exceeded the ordinary flowings of that watry Element; and thereby checking the uſuall tides, got ground ſo faſt upon the Ocean (as it is the nature of moſt places to do, where the Sea hath any ſtop) that thoſe active and induſtrious people, the *Romans*, who made all uſe of art and ſkill to the advancement of their profit, finding the ſoyl, thus raiſed above the uſuall tides, to be much more rich and fertile than any upland ground, beſtowed the pains and coſt to raiſe ſtrong banks of earth, on that ſide towards the Ocean, to defend it from the overflowing of the Spring-tides, which commonly happen about *xx* or *xxx* times in the revolution of one year; and ſome much higher than other, through the power of the North eaſt winds; by which means the Counties of Holland and Marchland were thus won and gained. For that this was a work of the *Romans*, that expreſſion of *Tacitus* [1], whereof I have taken notice in my diſcourſe concerning Romeney marſh, doth not only imply; but the coyns found in thoſe parts, with the large heaps of earth ſtill to be ſeen there (which without all doubt were raiſed for Monuments of ſome eminent military perſons, whilſt their Colonies remained in this Nation) do more than probably ſhew.

[1] In vitâ Agricolæ.

I cannot deny but that our Anceſtors, the *Saxons*, made uſe of this way of ſepulture; *Saxones gens Chriſti ignari; in hortis amœnis, ſi domi forte ægroti morierentur; ſi foris aut bello occiſi, in ægeſtis per campos terræ tumulis, quos* Burgos *appellabant, ſepulti ſunt*, ſaith *Leland*. *The* Saxons *a Heathen people, if by reaſon of ſickneſſe they dyed at home, were buried in their Gardens; but if abroad and ſlain in warr, then in the fields, under heaps of earth, which they called* Burrows. So likewiſe the *Danes* (once Maſters of this Realm for awhiie) as *Adolphus Cyprius* teſtifieth [m]; *Danos olim, in memoriam Regum & heroum, ex terrâ coacervatâ ingentes moles, montium inſtar eminentes erexiſſe, credibile omnino & probabile eſt* (ſaith he) *atq; illis in locis, ut plurimum quo homines commearant, atq; iter haberent, ut in viis publicis, quo poſteritati memoriam conſervarent, & quodamodo immortalitati mandarent: That the Danes antiently, in memory of their Kings and Nobles, did raiſe exceeding great heaps of earth, caſt up together, like unto hills, is both credible and probable; and for the moſt part in places where people travelled, whereby they might perpetuate their memory to poſterity, and in ſome ſort make them immortal.*

[m] In Annal. Sueic.

But that theſe were rather of the *Romans* erection, I do moſt incline to believe; partly in reſpect that they were the moſt likely perſons for their ingenuity, experience and induſtry, to gain theſe Countries from the Sea. Next by reaſon that many of their Coyns have been found there: and laſtly becauſe ſo many of thoſe *Tumuli*, of a very great magnitude, are ſtill to be ſeen; it being [n] the Cuſtome of the *Romans* ſo to interr, as is confirmed to us by an eminent Hiſtorian, from the practice of *Germanicus*, who thus diſpoſed of the unburied bones of the ſlain Souldiers of *Varus* (whereof I have, at large, elſwhere [o], taken notice;) as alſo from that paſſage in *Lucan*

[n] *Tacitus* in vitâ *Agricolæ.*

[o] Antiq. of *Warwickſhire* illuſtr.

——*Et Regum Cineres excelſo monte quieſcunt.*

Nor doth it a little conduce to the proof hereof, that there have been divers *Urnes* [p] dig'd up of late years, in the cutting of ſome drains through the adjacent Fens: So likewiſe in a place called Fowl Ea (neer Sotham within the Iſle of Ely

[p] One on the North ſide of Wisbech, another about Prabith.

Obſervations touching

Ely) wherein were found q burnt bones, aſhes, and coles; all which are undoubted teſtimonies, that ſome of their Colonies had reſidence in theſe parts.

q In an. 1658.

Touching which kind of *Urne Buriall* ſee farther in that excellent diſcourſe of the learned Dr *Tho. Brown* of Norwich, printed at London in An. 1658. from whom I acknowledge to have received much direction for my better guidance in this preſent work.

Neither is that long Cauſey made of gravell, of about three foot in thickneſſe, and ſixty foot broad (now covered with the Moor, in ſome places three, and in ſome others five foot thick) which extendeth it ſelf from Denver in Norfolke (neer Salters lode) over the great waſh, to Charke; thence to March Plantwater and Elvernell, and ſo to Peterborough, in length about xxtiij miles, likely to be any other than a *Roman* work, as may ſeem from the words of *Herodian*[r] in the life of *Severus* the Emperour; where taking notice how hardy and warlike a people the *Britans* were, and of their expertneſſe in ſwimming, he ſaith ----- *Sed inprimis tamen curæ habuit pontibus occupare paludes, ut ſtare in tuto milites, facile per eas diſcurrere poſſent, atq; in ſolido præliari; ſiquidem pleraq; loca, frequentibus Oceani alluvionibus paludeſcunt: per eas igitur paludes barbari ipſi natant &c. He therefore (viz. Severus) firſt took care to make Cauſeys over the Fenns, that his Souldiers might ſtand on firm ground, and with eaſe paſſing over them, fight on the dry land; there being many places Fenny, by reaſon of the frequent inundations of the Sea, over which thoſe barbarous people did ſwim.*

[r] Lib. 3.

the great Level.

Cap. XXXV.

How the main Level came firſt to be a Fenn.

BY what hath been ſaid, it being evident enough, that thoſe Counties of Holland and Marſhland were firſt the gift of the Sea, and afterwards defended with ſtrong banks made by the induſtry of the *Romans*; it would therefore not be improper for me to go on, and ſhew with what care and coſt, as alſo by what means thoſe Banks, ſo made for their ſafeguard and preſervation, have been for many ages ſupported and maintained till this preſent: but becauſe I conceive it may better conduce to the more perſpicuous carrying on of my ſtory, to ſhew how that ſpacious Level, lying Southwards towards the continent, and bounded with the high land (as I have already obſerved) came at firſt to be a Fenny Lake, and then increaſed, by tract of time, in depth, I ſhall reſerve what I have to ſay touching the repair and ſtrengthening of thoſe banks, till I ſpeak of the attempts and endeavours, which have in ſeveral ages been made, for the gaining or improving of the ſundry parts thereof, by the ſkill and labour of the Inhabitants and borderers, or any other who have been Adventurers in thoſe work.

Obſervations touching the great Levell.

Cap. XXXVI.

Of the riſe, courſe, and out-falls of the ſeveral Rivers paſſing through it.

AND now, in order to this demonſtration, being to conſider, that there are divers Rivers, which riſing in the adjacent high-land Countries, have their iſſues to the Sea through ſeveral parts of this vaſt Levell; I am next to take notice which thoſe Rivers are; whence they come; and where they have their out-falls. Firſt therefore I ſhall begin with **Grant**, whence **Cambridge** (antiently called **Grantbrigge**) took it's name.

Grant. This, having it's original about **Aſhwell** in **Hartfordſhire**, bringing with it the down-falls of part of that Country, and part of **Eſſex**, paſſeth through **Cambridgſhire**; and at **Stretham mere** (on the borders of the Iſle of **Ely**) unites it ſelf to a branch of the **Ouſe**, being about *xxij* miles from it's firſt head.

Ouſe. Which River (of **Ouſe**) riſing neer **Silam** in **Northamptonſhire**, and paſſing through part of **Buckingham** and **Bedford ſhires** (whence it taketh in ſeveral petty ſtreamlets) at length deſcendeth by **Huntendon** to **Erith**, where it divideth it ſelf into two branches; the one falling Eaſt and by North (neer the bounds of the Iſle of **Ely**) to **Stretham mere** aforeſaid, where it receiveth the **Grant** above-mentioned; and the other now called the **Weſt water**, North (at the partition of **Huntendonſhire** and the ſaid Iſle) under **Chateriz**, to **Benwick**; and there in former ages, meeting with a part of the River **Nene**, at a place called **Shrewelhiſte**, it joyned with the firſt branches thereof (deſcending from **Stretham** aforeſaid, by **Ely**, **Littleport** and **Wallenea**) at which place, ſo united, they paſſed by **Outwell** (at the partition of the Iſle of **Ely** and **Marſhland**) to **Wiſbeche**, and ſo to the Sea. But at this preſent it is otherwiſe (as I ſhall ſhew in due place, as alſo when and how that alteration grew:) for the firſt banch, whereunto **Grant** did unite, doth now deſcend from **Stretham** to **Ely**; thence to **Littleport**, and ſo by **Prieſts houſes**, and **Rebbech** to **Salters lode**: receiving into it, betwixt **Prieſt houſes** and **Salters lode**, theſe other ſtreams; *viz.* **Swafham lode**, and **Rech lode** out of **Cambridgſhire**; **Wildenhall** River out of **Suffolk**; and **Ouſe** *parva* out of the confines of **Suffolk** and **Norfolk**; the River of **Wiſſey** falling in by **Helgay**; and at **Salters lode** the other branch of **Ouſe** and **Nene** (united from **Outwell**) which cometh in there by the new **Pow dike**; and from thence in one courſe into **Lynne** deep, and ſo to the Sea; the ſame deep being now the beſt receptacle and moſt fit place for conducting the waters out of the Fenns and low grounds. So that by this River of **Ouſe**, all the ſprings, downfalls, rills and brooks of **Huntendonſhire** for the moſt part, **Bedfordſhire** totally, and ſome part of **Buckingham**, **Oxford**, and **Northampton ſhires**, are brought to the Sea; the compaſſe of ground, affording deſcent to them, being ſixſcore miles at the leaſt.

Nene. **Nene**, whoſe head is about **Catesby** in **Northamptonſhire**, paſſing through a large tract of ground in that County, and at length to **Peterborough**, entreth the Fens neer that place (having in it's courſe taken in divers petty ſtreams:) In which Fenny flat it divideth it ſelf into ſundry branches, whereof the chiefeſt now falleth under **Stranground** and **Horſey** bridge, into **Wittleſey mere**; and ſo paſſing through that mere, together with **Abmere** and **Ramſey mere**, runneth to **Benwick**, where it unites it ſelf to the ſecond branch of **Ouſe**, before-ſpecified: and ſo goeth to the Sea, as I have already ſhewed. The ſecond branch of this River did take it's courſe by **Thorney barre**, **Singleſholt**, and **Romans land**, and ſo to the triangular bridge at **Croyland**, where it did unite with **Weland**, and paſſed away with it to **Spalding**, and ſo to the Sea: But this Chanel of **Nene** is now utterly decayed, and likewiſe that of **Weland**; for whereas it did antiently fall into

Weland

Obſervations touching

Weland, now **Weland** maketh a fall backwards, by the ſame courſe, to **Nomans land** and the **South Ea**; to **Dowſoale**, **Clowſcroſſe**, and **Guyhyne**; and ſo by **Wisbeche**, and **Welle** (as it can) to the Sea.

Other branches of **Nene** there have been in antient time within the Fens; *viz.* **Kings delph**, paſſing a little below **Stanground**, by **Ravens Willow** (athwart the Fens) to **Ramſey** grounds, where it falleth into the **Nene**. **Wittleſey dike**, a little above **Hoxley** bridge, which falling by **Whittleſey** Town runneth into **Nene** below **Benwick**. Divers other currents of it there are by and through the bounds of **Thorney**; chefly **Knoxlake**, the **Wride**, and **South Ea**, which have heretofore diſchardged themſelves into the Sea (as ſome ſuppoſe) by **Clows Croſſe**; but of later time, ſince the new **Leame** was made by Biſhop *Morton*, from **Stanground** to **Guyhyne**, and ſo to **Wisbeche**, their chiefeſt and beſt paſſage hath been by that Chanel.

This River of **Nene** bringeth with it into the Fenns, the downfalls of the greateſt part of **Northamptonſhire**, and then having no preſent iſſue into the Sea, divideth it ſelf, as I have ſhewed: and being bounded on one ſide with the **Ouſe**, on another with **Weland**, and on a third with **South Ea** bank; and other banks in the Iſle of **Ely**, it is a principal cauſe of the ſurrounding of a great part of the body of the Fenns: and not only ſo, but occaſioneth abundance of fock, wherewith the greateſt part of **South Holland** and **Wisbeche** (which have made Banks againſt the ſame) are afflicted.

Weland. **Weland**, having it's riſe neer **Silvertoft** in **Northamptonſhire**, and taken in ſome petty ſtreamlets, cometh at length to **Market Deping**, and *S. James* **Deping**, where it entreth the Fenns, and burdeneth them with all the water and downfalls of part of **Northampton**, **Leiceſter**, **Rutland**, and **Lincolnſhires**; whence paſſing to **Croyland** bridge, it divideth it ſelf into two branches, the one leading by **South Ea** towards **Wisbech**, the other, in a moſt ſlow courſe, to **Spalding** and **Surflet**, where receiving the water of **Glen**, it goeth on to **Foſſe-dike-Stow**, and ſo into **Boſton** deep.

the great Level.

Witham, having it's head at **South Witham** in **Keſteven** (a Province of **Lincolnſhire**) and received into it divers petty rivulets; as it runneth on towards **Boſton**, taketh in, at **Anthony gate** and **Newgate**, the water from the drowned grounds of **Wildemore**, **Weſt fen**, and part of **Eaſt fen**; together with a ſtreamlet falling from the Caſtle of **Bullinbroke**; and laſtly at **Boſton** (by **Trinitie gate**, and through **Hammon beck**, and **Skirbeck gate**). divers rills and downfalls out of **Keſteven**, between **Hekington burne** and the River of **Glen**: and then paſſing from **Boſton** by **Wilberton** rode, doth run into **Norman deep**, and ſo to the Sea, after at leaſt *Lxvi* miles progreſſe. Which River of **Witham**, bringing with it the ſprings and downfalls of a great part of **Keſteven** and **Lindſey**, whereby in the winter it cannot be contained within it's banks, overfloweth a large proportion of the Fenny grounds lying in **Holland**, **Keſteven** and **Lindſey**.

Witham.

Glen, being the leaſt River of all the reſt, ſerveth almoſt to none other uſe, but to carry away ſo much of its own water, with the rill deſcending from **Burne**, as can be kept between two defenſible banks, by which it is carryed through the fenns into **Pinchbek**; The bottome of this River being for the moſt part higher than the fenny grounds by which it paſſeth; And therefore can be no drayn for the ſame, except the out-fall under **Surflete**, towards **Foſſedike**, were recovered.

Glen.

Obſervations touching the great Levell.

Cap. XXXVII.

How thoſe their out-falls became obſtructed.

HAving thus deſcribed the riſe, courſe, and out-falls of theſe ſeveral ſtreams, I now come to the cauſe and occaſion of their inundation and drowning of this great level; Whereby, inſtead of the benefit which it might receive from their overflowings, in caſe they had enjoyed their free and naturall paſſages and out-falls, it hath been made, for the moſt part, for divers ages, a moſt unhealthy ſtagnation of waters, yielding no conſiderable profit to the Inhabitants, or thoſe that border upon it. That the obſtruction, which the before ſpecified Rivers hath had in paſſing out freely, to the Sea, hath been the only cauſe of thoſe inundations and drownings already ſpoken of, is apparent enough: I ſhall therefore, in the next place make manifeſt what it is that hath thus ſtopped and choakt up theſe their out-falls.

VVhoſoever hath obſerved the conſtant tides, which flow up the River of **Ouſe**, at **Lynne**, will find the water alwayes very thick and muddy there; becauſe the Sea bearing a large bredth Northwards from thence, worketh with ſo much diſtemper: It is no wonder, therefore, that a great proportion of ſilt doth dayly ſettle in the mouth of that oſtiarie, and likewiſe in the other; *viz.* Of **Wisbeche**, **Spalding** and **Boſton**, ſo that in time it could not but grow to that thickneſſe; without ſome artificial helpes to quicken the current, upon its evacuation at every ebbe, whereby it might be carried out again; that it muſt needs force back the freſh waters, and cauſe them not only to overflow, but at length to drown the whole levell, through which their ſtreames did paſſe. And this we ſee apparently was the caſe here: for to ſuch an height is the ſilt grown, that in the year 1635. upon the deeping of the **Wisbeche** River, the VVorkmen at eight foot below the then bottome thereof, came to another bottome, which was ſtony; and in it at ſeveral diſtances, found ſeven Boats, that had lyen there overwhelmed with the ſilt for many ages.

So likewiſe at **Salters lode**, at the digging of a foundation for the Saſſe, which was there ſet up (of late years) by the Adventurers in that great work of the preſent drayning, the ſilt was obſerved to be ten foot deep; and next below that, three foot thickneſſe of firm Moor; then blewiſh gault, which the workmen judged to have been ſilt originally; becauſe being dry, it not only crumbled like it, but had the Roots of Reeds in it: then below it, moor of three foot thickneſſe, much firmer and clearer than the other; and laſtly whitiſh Clay, which is ſuppoſed to have been the very natural and bottome ſoyl at the firſt, before thoſe changes hapned, either from the alteration of the courſe of the Sea, or choaking up theſe out-falls, as I have already ſhewed.

Add hereunto what likewiſe hath, of late years been obſerved at **Witlesey**, in the caſting of thoſe Moats by Mr. *Underwood*, for the fencing in of his new plantation of fruit Trees; *viz.* that digging through the Moor at eight foot deep, they came to a perfect ſoil, and ſwaths of graſſe lying thereon as they were firſt mowed: which clearly manifeſts, that ſome great Land-ſloud, many ages ſince, meeting with an obſtruction at the naturall Oſtiaries towards the Sea, by reaſon of much ſilt, which after a long drouth had choakt them up, did then ſpread it ſelf over the face of the whole Levell; and that the waters, till this general drayning, ever ſince covering the ſame, have produced a moor now grown to this thickneſſe.

And moreover, that at the ſetting down of **Skyrbeck** Sluſe, neer **Boſton**, there was found at *xvi* foot deep, covered with ſilt, a Smiths forge, and all the tooles thereunto belonging, with Horſhoos and other things made of Iron, as ſome that ſaw it have affirmed to me.

[Relation touching the Fens, publiſhed by *Andrew Burrel* an. 1642. p. 2.

CAP.

Observations touching the great Level.

CAP. XXXVIII.

Of the vaſt extent and great depth of the freſh waters, occaſioned by theſe obſtructions of their out-falls.

TO manifeſt this, though there needdeth nothing more than the ocular view of the whole Levell, and the obſervation to what a depth the Moor is increaſed, which is meerly grown from the long ſtagnation of the waters, it being found in ſome places ten, in ſome twelve, and in ſome fourteen or fifteen foot deep (nay four foot higher than the Levell of **Marſhland**,) yet will I exhibit divers evident teſtimonies thereof, from ſeveral undoubted authorities; therewithall diſcovering ſome notable pieces of ſtory, which being not commonly known to the world, may not (I preſume) ſeem tedious to any Reader.

In regione Gyrviorum *eſt nobile Monaſterium &c. In the Country of the* Gyrvi, (ſaith the Regiſter of **Peterborough**) *there is a famous Monaſtery, heretofore called* **Medeshamſtede**, *but now uſually* **Burch**: *the* Gyrvii *being thoſe which inhabit neer the Fenns: becauſe* **Gyr** *in Engliſh, is the ſame as* profunda palus (*a deep Fen*) *in the Latine: For by the inundation and overflowing of the Rivers, the water, ſtanding upon the levell ground, maketh a deep Lake, and ſo rendreth it uninhabitable, excepting in ſome high places, which God of purpoſe raiſed (as may be thought) to be habitations for his ſervants, who choſe to dwell there: For in ſuch places, within the Fen do they (viz.* theMonks) *of* **Ramſey**, **Thorney**, **Crouland**, *and many other reſide, to which there is no acceſſe but by navigable Veſſels, except unto* **Ramſey**, *by a Cauſey, raiſed with much labour on the one ſide thereof. Within the ſame Precincts alſo is* **Ely** *placed, being an Iſland, ſeven miles in length, and as much in bredth, containing in it ſelf,* xxij *towns, compaſſed on every ſide with Fenns and waters; and whereunto there are only three Cauſeys.*

[t] In bibl. Cotton. ſub effigie Othonis A. 16. fol. 21. b.

Having thus at **Peterborough**, made my entrance into this vaſt Fenn, my next obſervation thereof ſhall be at **Croulland** the horrour of which place is livelyly repreſented in the ſtory of *S. Guthlake*, a devout Hermite; who many ages ſince choſe it for his retirement.

There is in the middle part of **Britain** (ſaith the Writer of that Saints life) *a hideous Fen of a huge bigneſſe; which, beginning at the Banks of the River* **Ouze**, *not far from a Caſtle bearing that name, extends it ſelf from the South to the North, in a very long tract, even to the Sea; oft-times clouded with moiſt and dark vapours; having within it divers Iſlands and woods, as alſo crooked and winding Rivers. When therefore that man of bleſſed memory,* Guthlac, *had found out the deſart places of this vaſt Wilderneſſe, and by Gods aſſiſtance had paſſed through them; he enquired of the Borderers what they knew thereof; who relating ſeveral things of it's dreadfulneſſe and ſolitude; there ſtood up one amongſt them, called* Tatwine, *who affirmed that he knew a certain Iſland, in the more remote and ſecret parts thereof, which many had attempted to inhabite, but could not for the ſtrange and uncouth Monſters and ſeveral terrors wherewith they were affrighted. Whereupon S.* Guthlac, *earneſtly intreated, that he would ſhew him that place:* Tatwine *therefore yielding to the requeſt of this holy man, taking a Fiſhers boat (Chriſt being his guide; through the intricacies of this darkſome Fen) paſſed thereunto; it being called* **Croulland**, *and ſituate in the midſt of the Lake, but in reſpect of it's deſartneſſe, formerly known to very few: for no Country man, before that devout ſervant of Chriſt S.* Guthlac, *could endure to dwell in it, by reaſon that ſuch apparitions of Devils were ſo frequently ſeen there.*

[u] Ex MS. cod. de vitâ S. Guthlaci in bib. Cotton. ſub effigie Neronis C. 7.

Not long after, S. Guthlake, *being awake in the night time, betwixt his hours of prayer, as he was accuſtomed; of a ſudden he diſcerned all his Cell to be full of black troops of unclean Spirits, which crept in under the Dore, as alſo at chinks and holes; and coming both out of the Sky, and from the earth, filled the Ayr as it were with dark Clouds. In their looks they were cruell, and of form terrible; having great heads, long necks, lean faces, pale countenances, ill-favoured beards, rough ears, wrinkled foreheads;*

Observations touching

heads, fierce eyes, stinking mouths, teeth like Horses, spitting fire out of their throats, crooked jaws, broad lips, loud voices, burnt hair, great cheeks, high breasts, rugged thighs, bunched knees, bended leggs, swolen ankles, prepostrous feet, open mouths, and hoarse cries; who with such mighty shrikes were heard to roar, that they filled almost the whole distance from heaven with their bellowing noyses: And by and by rushing into the house, first bound the holy man, then drew him out of his Cell, and cast him over head and ears into the dirty Fen; and having so done carryed him through the most rough and troublesome parts thereof; drawing him amongst brambles and briers, for the tearing of his limbs.

Cap. XXXIX.

FRom Crouland I come to Ely; an Island situate in the main body of this Fen; concerning which I have met with sundry memorable passages; that do notably set forth the vastnesse and depth of the waters, which did environ it many years since; whereof I shall give instance as they hapned in order of time.

That this Island was made choice of for a place of voluntary retirement, by those who out of great piety, forsaking the vanities of this transitory world, betook themselves wholly to the service of God, in devout prayers, frequent watchings, and strict abstinence, I need not go about to manifest in particulars; it being so clear a truth, evidenced unto us from all antiquity, that such persons did sever themselves in the like kind from the world, to the end that they might with the lesse disturbance apply themselves to those religious and holy duties; *S. Hierom*, in his Epistle to *Rusticus*, telling us, *Præcipui inventores & cultores Monachatus, fuerunt filii Prophetarum in veteri testamento, qui ædificabant casulas prope fluenta* Jordanis, *& turbis & urbibus derelictis, polenta & herbis agrestibus victitabant. That the principal beginners and lovers of a Monastique life, were the Sons of the Prophets in the old Testament, who left the towns and conversation with people, to the end that they might feed upon coarse bread and herbs of the field; and built themselves Cotages neer the stream of the River of* Jordan.

the great Level.

And though this was a special reason why these pious Votaries first setled in this Island, as a place of so great retirment and solitude; yet was there another, *viz.* the conveniency of Fish, that being the chief part of their food: for after the Rule of *S. Benedict* became to be taken notice of in the Christian world, which forbad the eating of flesh to any of those Monks, it had so high an esteem, that not only all the Monasteries then in being in this Realm, did with great reverence entertain it; but such as were erected for divers ages afterwards, were of no other order.

As to the erection of this, I shall only give a brief touch, with the occasion; in regard it was in so great veneration whilst it stood, by reason of the sanctity of *S. Audrey* the first foundresse thereof; to whose shrine not a few resorted, for the many miracles there wrought, as was then; not only with much confidence affirmed; but undoubtedly believed.

[w] *Etheldreda* (vulgarly called *Audrey*) daughter to *Anna* King of the East-Angles, being through the perswasion of her Father, married to *Tombert* a Prince of the Southern *Gyrvii* (or Fen-men) had this Isle of Ely given her in dower by her said husband: unto which, after his death, she retired a pure Virgin, notwithstanding she was his wife almost three years: And affecting the place, both in respect of the difficulty of accesse to it; as also, that it was in the nature of a Wilderneſse, severed from the pleasures of the world, she there setled her self, taking to her company certain persons, with whom she had contracted friendship for Religions sake: But so it hapned, that about five years from the beginning of such her retirement, *Egfrid* K. of Northumberland, being highly enflamed with her beauty, through the power of her friends, obtained her for his wife. Howbeit, after she had been wedded about *xij* years, she resolved no longer to defer the doing of that which she had set her heart upon; and without any free leave of her said husband, as a

w Ex hist. MS. Elien. Eccl. in bibl. Cotton. sub effigie Neronis A. 15. Et Monast. Anglic. p. 89. col. 1.

Queen

Observations touching Queen and a Virgin, she repaired to the Monastery in **Coldingham** in **Scotland**, where *Ebba* her husbands Aunt was then Abbesse, and there was veiled a Nunn by Bishop *Wilfrid*, where for the space of one whole year, she learnd, that *the yoke of Christ was pleasant, and his burden easie.* But then K. *Egfrid*, desiring to have her again as his wife, endeavoured to take her out of the said Religious house; and to that end forthwith went thither: whereof the Abbesse having notice, presently advised her to hasten thence, and to make no stay till she came to her own habitation at **Ely**. Whereupon she departed, much lamenting and sorrowing; and accompanied with two holy Virgins, *viz*, *Selbenna* and *Selbera*, ascended a great Hill neer **Colburthesheued**; at which time it pleased God to send such a rain, that King *Egfrid*, who pursued her, could not have accesse thereto in any place for the waters: where they continued, without either meat or drink, in prayer, for the space of seven days; till the King, without hope of getting to her, returned with much amazement, and went to **Yorke**: After which he could never endure *S. Wilfride*, but long harbouring revenge towards him, did at length deprive him of his Bishoprick.

But these Nuns still continued on the top of that Rock; where, almost fainting for lack of water, *Ebba* the venerable Abbesse above-mentioned, advised *Audrey*, that she should pray devoutly unto God, that he who supplyed his people in the Wilderneſse, from the Rock, would vouchsafe water unto them in this their great necessity. Whereupon she pouring out her prayers unto God with much fervency, there immediately gushed out a clear Spring, which not only satisfied their thirst at that time, but ever since hath been of such virtue, that infirm people drinking of it, have thereby received health. To which Miracles my Author addeth one more; *viz.* that the footsteps of this holy Virgin are still to be seen on the side of this Hill, both as she ascended and descended from it, in as perfect a manner as if she had trodden upon soft wax.

After this, Saint *Audrey* (for so mine Author now calls her) taking with her the two maids before-mentioned, went thence; and passing the River **Humber**, landed at **Wintringham** in **Lincolnshire**: about ten furlongs from which Town, they came to a little village, call'd **Alfham**, almost compassed about with the Fen; where continuing a few dayes, she erected a Church unto the Lord. Thence taking her journey, being much wearied with travel, she lay down in a shady place to sleep; and when she awaked, found her staff, which was, when she stuck it down at her head, old and long withered, not only clothed with a new green bark, but budded with verdant branches and leaves: which being by her left there, grew to be the largest Ash-tree in all those parts; and the place ever afterwards called **Etheldredes stowe**, *id est*, the *resting of S.* Etheldrede, where a Church afterwards was also built in honour of our blessed Lady, and Jesus Christ. the great Level.

But at length *S. Audrey* came to her own estate at **Ely**, with her two maids; and was there received with great honour, *Huna* a Priest shortly following her: where desiring to erect a Monastery, many persons strove to have their Children instructed by her: amongst which *Werburge* (the daugher of *Wolpherus* then King of **Mercia**, and of Queen *Ermenilde* his wife) was one: and in that place, by the help of King *Athulf* her brother, she built a religious House of Nuns, in the year of Christ *DCLxxiij*, and giving the whole Island unto it, sent her dear friend *S. Wilfride*, to **Rome**, for confirmation thereof; who obtained the same from Pope *Benedict*, with great immunities and privileges.

And having accomplisht this foundation, being also made Abbesse there, it is observed, that she never after did wear any linnen, but contented her self with woollen Garments; and very seldome, except on the great Festivals, did eat oftner than once in one day. And moreover, if by some infirmity she was not hindred, from the time of *Mattens* untill break of the day, she alwayes continued at her Prayers in the Church. But about seven years after that she had taken upon her the degree of Abbesse, she departed this life, on the *ixth* Kalends of *July*, in the year of Christ *DCLxxix*, and was buryed in a wooden Coffin in the midst

Observations touching

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Observations touching

of her fellow Nuns, as she her self had appointed; that Holy man *Huna* the Priest before-mentioned, celebrating her Funeral; who soon after her death, retiring to a little Island, not far from this of **Ely**, founded a Church there, and lived in great solitude, the same being thereupon called **Huneye**.

To this holy woman, in the place of Abbesse succeeded that devout Virgin *Sexburge*, her sister; who sixteen years after, took up her body; which, with the linnen, wherein it was wrapt, being found incorrupt, and curing many diseased people with the touch thereof, having washed the body again, and put new vestments upon it, she brought it into the Church of our Lady (so built by her as hath been said) and there placed it in a new Coffin of white Marble, found at **Grantcester**, and brought thither: it being not a little observable, that in the place where her body was first buried, there streamed out a fountain of pure water, upon that translation thereof; which still remaineth, saith my Author.

To these famous Virgins succeeded others, under whose strict Rule and holy discipline this Monastery flourished with great honour, till the year *DCCCLxx.* (*id est CXCvij.* years) that the *Danes* (then Pagans) led by *Inguar* and *Ubba*, made an invasion into this Realm, and destroyed it: for such was the depth of the waters, which, compassing this Isle, extended to the Sea, that they had an easie accesse unto it by shipping, as the MS. History thereof, speaking of that their incursion, in these words, importeth —— *Hujus siquidem communis tribulationis & miseriæ nullatenus expers fuit* Elienſis *Insula; præsertim cum paludes & aquæ, quibus circumcingitur in mare porrigantur, sit ab ipsis æstuantis æquoris fluctibus quorumlibet navium ad eandem Insulam non difficilis accessus. In hanc vecta est aliquando gens eadem, cum multis navibus &c.* At which time, such was the savageness of that barbarous people, that having turn'd out the Nunns, and ransackt the Church of all the Ornaments and wealth then in it, they burnt it to the ground: and one of them, more inhuman than the rest, supposing some treasure to have been hidden in the Tomb of *S. Audrey*, made an hole into it with a Pick-Ax; whereupon, through the divine vengeance, his eyes presently fell out of his head, so that he dyed. With which judgement the rest were so terrified, that they durst not presume to meddle there any more: But such was their cruelty, that they also fell upon the Clergy, killing some, and imprisoning many others; insomuch as this place lay wholly desolate, untill that after some years, eight of them coming thither again, repaired the Porches of that ruined Church, and celebrated divine service therein.

the great Level.

Howbeit to these Priests there succeeded those, who lived not only irregularly, but irreligiously: Nay the superior himself, out of a wicked curiosity, desiring to be satisfied, whether the body of that Holy Virgin *S. Audrey* was corrupted or not; said, that if it were not, God would have wrought many miracles thereby. Whereupon one of his fellows told him that divers miracles had been there done, by virtue thereof; making instance of these several cures; *viz.* of a woman that was troubled with a Palsie for six years; a young man dumb for seven years; a Maid blind from her birth, after ten years restored to sight; a young-man that had a withered had; a Maid-servant, unto whose hand, a tool whereof she made use to get up Roots out of a Garden on the Lords day, stuck so fast, for the space of five years, that it could not be pulled out. But notwithstanding these instances, the said superior, calling to him four young men of his society, thrust into that hole of the Coffin (which the *Danes* had formerly made) divers branches of Fennell, that lay upon the floor: and desiring to see whether her Vestments were perished, took a Candle, and fastning it to a stick, put it into the said hole; which falling from the stick, continued flaming till it was totally consumed yet burnt not any part of them.

Neither did they yet cease, but sharpning the stick at the one end, thrust it into the said Vestments, and drew them to the hole: and being imboldned because they had no hurt, one of them took a knife, and cut off a piece; others laying hold on the remainder, endeavoured withall their strength to pull it out, but could not; it being drawn back

again

x In bibl. Cotton. sub effigie Domitiani A. 15. f. 7. b.

Obſervations touching the great Level.

again with ſo much force as if two ſtrong men had tugg'd at it. But ſee the event of this ſacrilegious practice; a great plague ſeizeth by and by, upon the family of that Prieſt, whereof his wife and Children, with all his Off-ſpring dyed, and carryed him likewiſe, within a few dayes, to Hell (as ſaith my Author) becauſe he had not by great penance purged himſelf from this wicked deed. And of his aſſociates therein, two of them hapned to be ſlain; the third, after he was made Prieſt, loſt his ſenſes at every Wane of the Moon; and the fourth, being ſtricken with a Palſie, continned ſo, untill his parents, with great ſorrow, brought him to the Tomb of *S. Audrey*; and there watching one night, and promiſing upon the Sacrament to make ſatisfaction, he became reſtored by the interceſſion of that bleſſed Virgin.

Neither was this Church poſſeſt by any other than theſe wicked Prieſts, untill the tenth year of the reign of King *Edgar*. For it hapning in that King's time, that one *Sigewold* a Biſhop (a Greek by nation) and *Thurſtane* a Dane, taking notice of the eminency of this place; and becomming both of them ſuters for it, more out of covetouſneſs than devotion; one *Wlſtan de Delham*, Secretary to the King, informed him of the fame and ſanctity thereof; and told him, that ſuch perſons were not worthy of it: and moreover declared unto him the life and miracles of the glorious Virgin *S. Audrey*, in the preſence and hearing of *Ethelwold* Biſhop of Wincheſter, then the Kings Confeſſor; who taking notice thereof with great delight, forthwith purchaſed it of the ſaid King, with ſuch immunities and privileges, as that it ſhould for ever be free from any Regal tribute or exaction. And having ſo done, did put out thoſe ſecular Prieſts; and repairing the Church, which had been deſtroyed by the Danes, and continued deſolate for an hundred years, introduced Monks thereinto, conſtituting *Brythnod* (Provoſt of the Church of Wincheſter the firſt Abbot. All which was performed in the year after the Incarnation of our Saviour *DCCCCLx.* and from the time that S. *Audrey* firſt built it *CCXCvii.* receiving into it thoſe Prieſts which were content to undergo a Monaſtique life; and augmenting it's poſſeſſions with divers other lands purchaſed by himſelf; as alſo divers rich ornaments. And obtained ſome of the ſaid Kings grant. And moreover bought of the ſaid King, not only the whole Iſle; *ſcil. xx.* hides of land which he had therein; but the dignity and ſoke of ſeaven Hundreds and an half; *viz.* two within the Iſle, and five and a half in the territory of the Eaſt-Angles; five at Melveburne; three and an half at Hernyngfoyde; and twelve at North wolde: for which he gave in exchange *Lx.* hides in Herryngham, given unto him by K. *Athelſtan*: beſtowing other things for which he paid an hundred pounds; as alſo a Croſs of gold, beautified with merveilous work, and filled with Reliques; which the ſaid King, in confirmation of his ſaid grants and privileges to this place, had offered here, upon the Altar of S. *Audrey*, with an admirable book. So that the whole, that this devout Biſhop gave to God and S. *Audrey* within this Iſle, Marſhes, and Fenns, was no leſs than *Lx.* hides.

And to theſe conceſſions did the ſame K. *Edgar* adde the grant of *xl.* hides of land, lying in the town of Hatfelde: and moreover gave to the ſaid Biſhop the mannour of Sudburne; upon condition, that he would tranſlate the Rule of S. *Benedict* out of Latine into Engliſh: which he did, and offered it to S. *Audrey*. And laſtly beſtowed on the ſaid Church his garment of fine purple, made after the faſhion of a coat of mail, and wrought throughout with pure gold, whereof a Miter was made. And out of his own Chapel ſeveral little Cheſts and Scroules, with the Reliques of divers Saints.

CAP.

Obſervations touching

CAP. XL.

HAving now done with this ſecond foundation of the ſaid Monaſtery, ſo made by that devout Biſhop (as hath been obſerved) I muſt not forget the gift of **Staney** thereunto.

This was beſtowed [y] on it by the before mentioned *Wulſtan de Delham*, who had it, with the Fen belonging thereto, of the grant of one *Æſcuen* a VVidow: which Fen the Monks afterwards dimiſed for the Rent of two thouſand Eeles, unto a certain Kinſman of the ſaid *Æſcuen*: who, having been tenants to it formerly, and continuing ſo likewiſe during the life of the ſaid King *Edgar*, did at length hold it as their own, without any ſentence or law of the Citizens and Hundreders. Upon complaint made therefore of this injury to *Ægelwine* the Alderman (who was then chief Juſtice to the King over all **England**) the ſaid *Ægelwine* came to **Ely**, and ſummoned *Reigmund de Holand* and the reſt, that ſo held it, to come before him to anſwer the ſame: but they, though often warned, refuſed to appear; nevertheleſs the ſaid Abbot continued his ſute, and renewed his complaint to the people, for that wrong, upon all occaſions. At length the ſaid Alderman ſitting at **Cambridge**, there was a great Court of thoſe Citizens and Hundreders, before *xxiii.* Judges, held under a certain place called **Thirningfeld**, neer **Maidenebergе**; where the Abbot declared openly to them all, how unjuſtly the ſaid *Reimund*, and the reſt, had dealt with him, in diſpoſſeſſing S. *Audrey* of this **Staneye**; and how that they would never appear, though frequently ſummoned. VVhereupon the Judges decreed, that the before ſpecified Abbot ought to have the ſame again; as alſo the whole fen and fiſhing: and moreover, that he the ſaid *Reigmund*, and the other defendants, ſhould pay to the ſame Abbot the arrear of fiſh, due for ſix years, and likewiſe give a forfaiture to the King: and that if they did not freely do ſo, they ſhould be diſtrained by their Cattel. And thereupon alſo did the ſaid Alderman command, that *Oskytel*, and *Osmund Bece*, with *Godere de Ely* ſhould perambulate that land, and put the Abbot in poſſeſſion thereof; who did accordingly.

y Ex hiſt. MS. *Elien.* Eccl. in bibl. *Cotton.* ſub effigie *Titi* A. 1. f. 8. b.

the great Level.

Of the before ſpecified Abbot *Brithnod* I alſo find; [z] that by his care and induſtry the limits of this Iſle were firſt ſet forth; *viz.* [a] from **Cotingelade** to **Litlepoxt**, or **Abbotes delfe** (ſince called **Biſhops delfe**) being in length ſeaven miles: And from **Cherche were** to **Straham mere**, in breadth four: within which compaſs divers petty Iſles are included. Moreover, as a member thereof, (though lying without this circumference) is **Dudintone**; as alſo **Chateriz**, where was a Houſe of Nunns; with the town of **Wittleſey**, and Abby of **Thorney**, which Abbot calling together the Inhabitants on every part thereof, aſſigned [b] them their ſeveral portions of land: and for a perpetual evidence of the poſſeſſions belonging to his Church, he cauſed that large and deep ditch to be cut through the main body of the Fenn, which was then called by the name of **Abbot's delfe** (as I have obſerved) to the end it might remain as a boundary in that deep mud and water.

z Ex hiſt. *Eli.* Eccl. in bibl. *Bodl.* [L. 69.] lib. 2. f. 14. b.

a Ex hiſt. *Eli.* Eccl. in bibl. *Cotton.* ſub effigie Domitiani A. 15. f. 7. b.

b Ex hiſt. *Eli.* Eccl. in bibl. *Bod.* ut ſupra.

This Monaſtery being therefore ſo amply endowed with lands, and otherwiſe richly beautifyed through the bounty of many zealous people, who then thought nothing too much for the glory of God and his ſervice: and growing more famous every day than other, by reaſon of the miracles which were done at the tombe of that renowned Virgin S. *Audrey*; multitudes of people, for devotions ſake flocking thither; it hapned that (about fifty years after) King **Canutus**, a Prince of great wiſdome, valour, and piety; being deſirous, together with Queen *Emma* his wife, and the Nobles of this Realm, to keep the feaſt of the *Purification* of our Lady, here at **Ely**, with high ſolemnity, as the cuſtome then was; the Abbots of **Ely** in their turn, performing the ſervice in the King's Court, as they had uſed to do; there being no other acceſs to it (conſidering the bredth and depth of the Fenn) but by ſhipping; he ſet ſayl thitherward: and when he came neer to the land, raiſing up himſelf, commanded

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commanded the Mariners to make what haſt they could to a little Port, but to go ſtedily: and fixing his eyes towards the Church, which ſtood on high, on the top of the Rock, he heard a pleaſant voice on every ſide: where liſtning farther, the nearer he approached to land, the more ſenſible he was of the melody: and at length perceiving that it was the Monks then ſinging in the Quire, and with ſhrill voices performing their divine Offices; he commanded all the reſt that were in the next ſhips to come nearer to him; and exhorting them to ſing with him, became ſo tranſported, that, expreſſing the joy of his heart, he preſently compoſed and ſung this Hymn.

Merie ſingende Monekes ben in Ely
tha chut ſingende therby
Royal chites noer the land
And here yve thes Moneks ſang.

Which in Latine is thus,

Dulcè cantaverunt Monachi in Ely,
Dum Canutus Rex navigat propè ibi.

And now my Knights (quoth he) *ſayl ye nearer, and let us jointly hear the harmony of theſe Monks.* All which were long afterwards publickly ſung in the Quire, in memory of that devout King, and kept in mind as Proverbs; the King thereupon ceaſing not thus to ſing, with his venerable College, till he came to land: where being received with ſolemn Proceſſion (as the Cuſtome had been to the Prince or any eminent perſon) and brought into the Church, he ratified all the donations conferred thereto by his Royal Predeceſſors Kings of England, and eſtabliſhed them with their immunities and privileges in the face of the Church (where the body of the holy Virgin *S. Audrey* lay entombed) upon the high Altar, before all the perſons there preſent.

[b] Ibid.

Not long afterwards it ſo hapned [b], that at the ſolempnity of this Feaſt the Fen was ſo much frozen, that the ſaid King could not repair thither, as he deſired; nevertheleſſe it did not alter his purpoſe, though he was ſorrowful and much troubled: Howbeit, putting his truſt in God, being then upon Soham mere, he contrived to be drawn upon a ſlead over the Ice; and for his better ſecurity (conſidering the danger of the paſſage) that one ſhould go before him, to try the way. But it ſo fell out, that as he ſtood thus conſulting, a luſty and big man, and an inhabitant of the Iſle, who for his corpulency was called *Brithmer Budde*, came before him, and offred to lead the way; whereupon the King followed on the Slead, all that beheld him admiring his boldneſſe; and coming ſafe thither, celebrated that ſolempnity, according as he had wont, with great joy: and in gratitude to the ſaid *Brithmer*, made him, with all his poſterity, free men for ever.

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In further teſtimony likewiſe of the ſecurity of this place, by reaſon of the vaſt and deep waters wherein it was ſituate; I find [d], that in the time of King *Edward* the Confeſſor, the Engliſh, having advertiſement of great preparations then making by the Danes, for another invaſion of this Realm, beſtirred themſelves in fortifying their Cities and Caſtles, hiding their treaſure, and muſtering of ſouldiers for their defence: And that *Alfric*, then Abbot of *S. Albans*, much fearing the danger, did not only take care to convey the Shrine of that glorious prothomartyr (*S. Alban*) into a ſecret corner; where he immured it; but the better to diſguiſe the buſineſſe, wrote Letters to the Abbot of this place, humbly requeſting him, that he would take chardge thereof, till all things ſhould be in a quiet condition again: for (ſaith my Author) *erat eorum Inſula intranſmeabilibus circundata paludibus, & arundinetis, unde hoſtium incurſus nequaquam timuerunt*: id eſt. *This Iſle of* Ely *is environed with Fenns and Reed-plecks unpaſſible; ſo that they feared not the invaſion of the Enemy.* Whereunto the ſaid Abbot aſſenting, *Alfric*, like a politick and wary man, fearing that theſe of Ely, having gotten ſuch a treaſure into their hands, might deny to reſtore it when it ſhould be again required, ſent, inſtead of *S. Albans* Shrine, the reliques of an old Monk, put up in a rich Cheſt, as if they had been *S. Albans* bones; and kept the before-ſpecified Shrine walled up in their own Abby, as hath been ſaid.

[d] Matthæus Paris. in vit. Abbatum S. Albani p. 43. n. 45.

But the moſt ſignal teſtimony of the ſtrength of this place, by reaſon of the

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ſaid waters encompaſſing it, is that recourſe, which divers of the principal nobility of the Engliſh Nation had unto it, as their greateſt refuge againſt the ſtrength and power of the Norman Conqueror: as alſo the defence that they then and there made againſt a powerful Army, brought by that King for the ſubduing of it; the ſubſtance of which ſtory, becauſe it is but briefly pointed at by our publick Writers, I ſuppoſe it will not ſeem tedious if I here ſuccinctly deliver.

After that *William* Duke of **Normandy**, invading this Realm with a puiſſant Army (in the year *MLxvi.*) had ſubdued the forces of K. *Harold* in open batail, wherein that King loſt his life; *Stigand* Archbiſhop of **Canterbury**, whom the Conqueror affected not, fled [e] into this Iſle for ſafety: So likewiſe did [f] *Egfrid* then Abbot of *S. Albans*, with the Reliques of that Saint, and treaſure of his Church; As alſo [g] *Edwine* and *Morkere*, two great and potent Earls of this Nation, with [h] *Egelwine* Biſhop of **Durham**, beſides many thouſands [i] of the Clergy and Laity. And underſtanding, that *Hereward* Lord [k] of **Bunne**, in **Lincolnſhire**, a younger ſon to the famous *Leofrike* Earl of **Mercia**, being a perſon much renowned [l] for his valour and military skill [for [m] at the age of *xviij* years, being baniſhed the land by King *Edw.* the Confeſſor for his extraordinary diſſoluteneſſe towards his parents and others, he went into **Flanders** and other forein parts, where he gained moſt high repute of his proweſſe and noble exploits] was returned from beyond Sea, they forthwith ſent [n] for him; deſiring that he would repair thither with all his power, and joyn with them in the defence of their native Country, and redeeming their juſt liberties: And in particular they importuned him, in behalf of *Thurſtane* then Abbot of that place and his Monks, whoſe the ſaid Iſland wholly was; and on whoſe behalf the ſame was then fortified againſt the King, that he would make no delay, becauſe the ſaid King brought in a forein Monk out of **France**, to obtrude upon them as Abbot there; and that he purpoſed to do the like in all other Churches throughout **England**.

To which requeſt of theirs he willingly condeſcended, and forthwith began his journey towards them accordingly: whereof the Earl *Warren* having notice, whoſe brother, long before, the ſaid *Hereward* had killed, he laid ambuſhes for him on the out-ſide of the Fens belonging to this Iſle, and kept guards about the waters near to the land, hoping to take him cunningly without any ſlaughter of his own men: But *Hereward* being aware thereof, as alſo that ſome of thoſe guards had encountred with part of his ſouldiers, and purſued them, he came in to their aid, and by taking ſome of them, diſcovering that the ſaid Earl had ſet theſe ambuſhes for him; and likewiſe that he was on the morrow to be at **Doherhed**, he haſtned thither with his ſhips; and placing ſome armed ſouldiers near the bank of the River, went himſelf with three Horſmen and four Archers, well armed, unto the mouth thereof; where the Earl himſelf with his men was then alſo come on the other ſide; and ſeeing them, ſent ſome of his party nearer; who enquiring whether they belong'd to *Hereward*, and finding that they duly endeavoured to perſwade them to forſake him; but prevailing not, they returned to the Earl, and told him, that *Hereward* himſelf was on the other ſide of the water. Whereupon the ſaid Earl animated his ſouldiers to ſwim over with him preſently, and revenge his brothers death: But they told him, that it was not poſſible ſo to do; ſaying, that his coming thither was purpoſely thus to delude them: whereupon the Earl ſighing, ſaid to them on the other ſide of the water, *Oh that I had that Deviliſh fellow (your Maſter) here, I would certainly torment him to death.* To which words of his *Hereward* replyed, *If we ſhould happen to be ſo fortunate, as to meet alone in any fit place, you would not wiſh me in your feeble hands, nor like well of my company:* and having ſo ſaid, ſtooping a little, he bent his Bow, and letting flye an Arrow, hit the Earl on the breaſt; but his Coat of mail would not ſuffer it to enter; nevertheleſſe it came with ſuch a force, that it ſtruck him off his Horſe, ſo that his ſervants took him up for dead in their arms. In the mean while *Hereward* went away, and came with his company into the Iſle the ſame day, where he was received with great honour

[e] Ex hiſt. *Elie* Eccl. in bibl. *Cotton.* ſub effige Titi A. 1. f. 87. a.

[f] Ibid.

[g] [h] *Math. Pariſ.* p. 7. n. 20.

[i] Ingulphi hiſt. p. 511. n. 20.

[k] Ibid. n. 50.

[l] Ex vet. membr. penès *Georgium Purefey* de **Wadley** in com **Berk.** arm. an. 1653.

[m] Ex Regiſt. de **Peterborough** penès *Will. Pierpont* arm. f. 234. a.

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nour by the Abbot and his Monks; as alſo by thoſe noble perſons that were there; *viz.* *Edwine* Earl of **Leiceſter**, and *Morkere* his brother Earl of **Warwick**, and other eminent men of the Country, who having been much oppreſſed by the ſaid Conquerour, fled thither.

Whereof the King hearing, and being much inraged thereat, he reſolved to get the Iſle by aſſault; and to that end cauſed a rendezvous of his whole Army at **Aireheve** (neer which place there is a military rampire yet to be ſeen) where the Fen was four furlongs in bredth: and having brought ſtore of wood, ſtone, and fagots of all kinds, with a multitude of Trees and great pieces of timber, faſtned them together underneath with Cow-hides; and to the end that they might the better paſſe over them, they ſtript off the skins of beaſts, and filled them with wind like bladders: which being done, there were ſo many that preſſed on to get over, being greedy of the gold & ſilver whereof they ſuppoſed ſtore to be in the Iſle, that they that went formoſt were drowned, with their Bridge; and thoſe in the midſt became ſwallowed up in the depth of the Fenn: but of thoſe that were hindmoſt, a few, throwing away their weapons, made a ſhift by the mud to eſcape: Nevertheleſs multitudes periſhed in this adventure, whoſe bodies were long after found, putrified in their Harneſſe, and dragg'd out from the bottome of the water; but one onely man (whoſe name was *Beda*) getting into the Iſle.

The King therefore beholding this lamentable diſaſter, and much grieving thereat, departed thence with thoſe few which he had left, without any hope to conquer it; placing guards of ſoldiers about it, to prevent thoſe within from waſting the Country. In the mean time the ſaid *Beda* being taken, and brought before the chief perſons that were in the Iſle; and asked why he ſo boldly adventured himſelf; told them, that the King did promiſe, that whoſoever ſhould firſt enter, and do ſome notable exploit there, to the danger of thoſe that defended it, let him ask what he would of any mans therein, and he ſhould obtain it: which, when they heard, they commended his valour, and kept him there with them for certain days, uſing him with great reſpect. Having therefore had this experience of their civilities, and obſerved how ſecure the place was, by reaſon of the fortifications there made; as alſo the number and valour of the ſouldiers therein; he profeſſed, that as he had often heard them reputed to be perſons more expert in warr than others, he now found it to be true; and faithfully promiſed them, upon liberty to go back to the King's camp, that he would there relate as much: which he accordingly did, all being joyful to ſee him ſafe returned, even the King himſelf, for he was one of his moſt eminent ſouldiers: unto whom he related the ſtrength of the Iſle, and his own adventure; and that thoſe Earls before-mentioned, were there, with two noble men; *viz.* *Orgar*, and *Thirchitell*, ſurnamed *Childe*; but extolled *Hereward* not only beyond them all, comparing him with the moſt famous Knights, which he had ſeen through **France**, the whole Roman Empire, or **Conſtantinople**.

At which ſtory the Earl *Warren* took no ſmall offence, not enduring to hear ſuch a commendation of him, that had ſlain his brother (as hath been obſerved) and ſuggeſted the King, that the relator was bribed to make ſo partial a report. But the King going on in making more enquiry of his particular obſervations there, had this farther account from him; That the Monks of this place, fearing to be ſubject to a foreiner, in regard the King had deſigned to bring over ſuch out of **France**, to be chief in all Monaſteries and Churches of **England**; did entertain thoſe perſons there for their defence; and thereupon fortified the ſaid Iſle; affirming, that they were much more willing to live by the labour of their hands, than to be reduced to ſuch a ſervitude. And that the ſame Iſle was not then at all burthened by thoſe forces: *For* (quoth he) *they matter not the ſiege, the Husbandman not neglecting his Plow, nor the Hunter his ſports; neither doth the Fowler ceaſe from his imployment*: concluding, that they were ſecurely defended by their own Souldiery. *Nay, I ſhall tell you more* (ſaith he) *both what I know and ſaw. This Iſle is extraordinary fruitfull in all ſorts of graſſe, there being no place in* **England** *that hath a more fertile turf. Moreover,*

o Exhib. E cl. Eliens. in bibl. Bodl. f. 301.

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over, it is compaſſed about with huge waters and Fenns, as it were with a ſtrong wall; and aboundeth not only with domeſtique Cattell, but with a multitude of wild beaſts; viz. Harts, Does, Goats and Hares, both in the woods and neer the Fens: as alſo Ermines, Pole-Cats, Weeſels, and the like Vermine, which are taken with traps and other Engins in the winter time. And of Fiſh and foul, which there breed, what ſhall I ſay? At the Floud-gates upon the skirts of thoſe waters, what a vaſt company of Eels do they take in Nets? as alſo mighty Pikes and Pickerells, Perch, Roche, and ſometimes greater and Royal Fiſhes. Of Birds likewiſe there be innumerable: So alſo of Geeſe, Bitterns, Seafowl, Water-crows, Herons and Ducks abundance; eſpecially in the winter ſeaſon, or when they moult their feathers, whereof I have ſeen three hundred taken at one time.

Adding[p], that every day whilſt he ſtayed with them, the faſhion of their ſitting at dinner and ſupper, in the common Hall, was a Knight and a Monk; and at the upper Table the Abbot himſelf, with the ſaid *Earls*; as alſo *Hereward* and *Turkill* before-ſpecified. Likewiſe, that above the head of each Knight and Monk, hung a Target and Lance upon the wall: and in the midſt of the room, upon forms, lay Coats of mail and Helmets, with other Arms; that when any occaſion ſhould be, the Monks always aſwell as the ſouldiers might be ready to go to fight; whom he found to be moſt expert men at their weapons. And moreover, magnified their plenty of all things there, that he ſaid he thought it much better and more ſafe for the King to come to peaceable termswith them, than to adventure to aſſail them by force, & miſcarry in the attempt.

[p] Ex Regiſt. de **Peterborough** ut ſupra.

Which ſpeech of his being thus ended, there ſtept out one of thoſe Souldiers that the King had imployed to keep the Fort made at **Reche**, in order to the ſiege of this Iſle: who being but newly returned from thence, having heard this relation of the before-mentioned *Beda*, ſaid; *Do you think this to be a vain report, and not to be believed? I aſſure you, that yeſterday I my ſelf ſaw a party of the Enemy make a ſally out of the Iſle, whereof but ſeven of them were armed; and all Monks except two, who behaved themſelves in every point like Souldiers, and fired the Town of* **Burwell**, *doing much miſchief otherwiſe: which when our men ſaw, ten of them iſſued out of the Fort, with a purpoſe to take them in their return, becauſe they were fewer in number; but in the skirmiſh they ſlew all our men, except one, a ſtout Souldier, whoſe name was* Richard, *and nephew to* Osbert *the Shireeve, with whom one* Wenothus *had a ſingle encounter; wherein neither prevailing, though they fought a good while, ſome of our men went to part them; whereof the famous* Hereward *taking notice (for he was within view) he would not ſuffer any one to meddle; ſaying, that it was not juſt, that two or three ſhould ſet upon one man, and that he would not ſuffer ſer any of his to do ſo baſe a thing: But our men followed them to their ſhips, and killed one of their Mariners with a dart; and taking another priſoner, he told us who they all were, and their names*; viz. Hereward *the General*, Wenothus, Thurſtane (*a young-man, afterwards ſirnamed Provoſt*) *Boter of S.* **Edmunds Bury**, Siward, Leuric; *and* Acer *for his ſtoutneſs ſirnamed* Hardy. *Theſe notwithſtanding they were Monks, being skilfull men in Arms, often gave teſtimony of their valour in preſence of the ſaid* Hereward.

All which the King hearing; as he would not ſpeak an evil word of them, deeming it a moſt unworthy thing to give bad language of ſuch valiant men, ſo did he forbear to commend their courage above his own ſouldiers; but conſidered to make peace with them, in regard the Iſle was ſo ſtrongly fortified, and that he knew not how to prevent their coming out thereof, or return. VVhereupon, calling together his Nobles and Counſellors, he told them his thoughts; alleging, that now he was to march againſt the Army of the *Danes*, and ſoon after of neceſſity to go into **Normandy**, it would not be ſafe to leave ſuch an enemy behind him in the midſt of the Land, at his back. But ſome of his Nobles, then preſent, and which were moſt of his privy Council, diſwaded him from ſo doing; urging, that if he dealt thus favourably with thoſe that had imbroiled his Kingdome for ſo long a time, others would not be afraid to do the like.

To whom the King, in anger, replyed, that he was not able to conquer them, conſidering the place naturally ſo defenſible. VVhereupon one *Ivotael le Bois*, moved with ſome indignation, told him, that

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that he had long known a certain old Witch, who if ſhe were there, would by her Art ſoon deſtroy their whole ſtrength, and places of defence; and drive them out as Cowards out of the Iſland: which was no ſooner ſaid, but that all who ſtood by, became earneſt ſuters to the King, that he would make no delay to encourage, and well reward whomſoever, that could by any Art or skill vanquiſh his Enemies. The King therefore yielding to theſe their perſwaſions, cauſed this old woman to be privately ſent for, that it might not be talkt of; and brought his Army together again, placing it on all parts of the Iſle, making Fortifications on every ſide thereof, and appointing ſtrict guards to prevent the iſſuing forth of any that were within, leſt they ſhould know what was in hand, and uſe any means to hinder the ſame.

All which being done, and underſtood by thoſe that were within, it put them to no little diſturbance of mind, and likewiſe fear; they not knowing what to do, becauſe the King had learnt ſome new way of warring againſt them: they therefore conſulting what was beſt to be done, concluded to ſend out ſome fit perſon to make a diſcovery, what it was that their Enemies were in hand with: but finding no man fit for ſuch a task, the Valiant *Hereward* reſolved to undergo it himſelf; either as a Scout, or Travailer; or to alter his habit, though all were againſt it: and at length did ſet forwards, taking with him only his Mare called *Swallow*, which was always very lean and ill ſhapen; but of pace exceeding ſwift, and nimble for action.

And when he went out, he changed his clothes, cut his hair and beard; and being ſo clad, met with a Potter, whoſe Pots he took from him; and feigning himſelf a Potter took his way to the King's Court, then at **Brandon** in **Suffolk**: And being got thither, it hapned that he lodged at the Houſe of a Widow, where that old Witch was entertained, who was to be brought privily, for the deſtruction of all thoſe in the Iſle; where he heard them diſcourſe in Latine, what Art was to be uſed for the ſubduing thereof, they deeming him to be a plain Countrey fellow, and ignorant of what they then diſcourſed. And about the dead time of the night, diſcerning the Woman of the Houſe, and that old Sorcereſs to go out of doores, he ſecretly followed them, and ſaw, that they went to a certain Spring, which was by the ſide of a Garden, and ran towards the Eaſt; and hearing them diſcourſe, he underſtood that they deſigned to murther him: but to prevent their purpoſe, he got away very early in the morning, with his Pots; and wandring about the King's Court on every ſide, he cryed (as Potters uſe to do) *Pots, Pots, good Pots and Pitchers; all good earthen ware.* Whereupon, being called into the King's Kitchen, that they might buy ſome of his Pots, there came in one of the Conſtables of the Town, and looking upon him ſaid, that he never ſaw any man in favour of face and ſtature ſo like *Hereward*, as a poor man might be like to a rich, and a Country man to Souldier: inſomuch as divers came about him, deſiring to ſee a man like ſo much famed a perſon; and thereupon brought him into the King's Hall, amongſt the Knights and Souldiers, that they might behold him: But ſome when they ſaw him, ſaid that a man of no greater limbs could not be of that valour and courage as *Hereward* was ſaid to be. Others asked him if he knew, or had ever ſeen that wicked fellow, ſcil. *Hereward*. To whom he anſwered; *I wiſh that he were now here amongſt us, he being the greateſt Enemy that I have: for he took a Cow and four ſheep from me, which were all the goods in the world that I had, except my Pots, and this Mare; and the only livelyhood for my ſelf and my two Sonns.*

the great Level.

About this time the King's Dinner being making ready, *Hereward* retired into the Kitchin; and after Dinner the Servants, Cooks, and Grooms of the Kitchin gave him Wine and Beer, that they might make him drunk and laugh at him, ſcoffing at him diverſly; having a purpoſe to ſhave his Crown, and pull off the hair of his beard; and then to hoodwink him, to the intent that he might break his own Pots, which they had ſet about him. But refuſing to be thus abuſed, one of them ſtruck him, whom he requited preſently with a blow that knockt him down; inſomuch as the reſt took up Tongs, and other things to beat him; which he diſcerning,

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forthwith ſnatcht up a fire ſhovel, and laying about him ſtoutly, kill'd one, and wounded divers of them. Whereupon it being made known in the Houſe, they apprehended him and put him in ward: and ſoon after, the King being gone out to hunt, one of his Keepers came and brought a naked Sword in one hand, and a pair of Fetters in the other, which he threatned to put upon him: but *Hereward*, being too nimble for him, wreſted the Sword out of his hold, and ſlew him; and ſo, over hedges and ditches haſted to the King's outer Court, where he found his Mare; and though ſome purſued him, got ſafe away to **Somerſham** wood; where he hid himſelf till the Moon ſhone after midnight, and then came into the Iſle.

But whilſt he was thus in the wood, he chanced to meet with a perſon, whoſe Horſe was tired, and himſelf too: and demanding of him who he was; he told him that he was one of the King's Servants, that had purſued a man, who had killed one of the Kitchin Boys, and another that had the cuſtody of him, after he was apprehended for that fact: and deſired him, that for the love of God, and generoſities ſake, he would diſcover to him, whether he ſaw ſuch a fellow or not, whom he then deſcribed. To whom he replyed; *Becauſe thou requireſt me to tell thee, for the love of God, and of generoſity, I will. Know therefore, that I am the man: And now, that thou maiſt be infallibly aſſured, that I am ſo, and that thou haſt ſpoken with me; take this thy Sword with thee for a teſtimony, and leave thy lance with me.* All which he reported to the King; who with thoſe that were then preſent, admired *Hereward* for an excellent Souldier.

The King therefore according to his former purpoſe, having prepared divers warlike Inſtruments, brought his whole Army to **Aelreheth** (now **Audney**) cauſing great ſtore of wood and ſtone, with divers ſorts of fagots, and ſuch like materials, to be carryed thither: And ſummoned all the Fiſhermen in thoſe parts, with their Boats, to meet at **Cottingelade**, that they might tranſport thither whatſoever was brought; and raiſe large hills and heaps on this ſide **Alreheth**, whereupon to fight. Amongſt which Fiſhermen came *Hereward* himſelf alſo with a Boat, uſing all ſhew of diligence: and the ſame day before Sun ſetting, having ſet fire on what was ſo brought, and killed and drowned divers, he made his eſcape away: And to the end he might not be known, he coloured his head and beard red; neglecting no way to diſguiſe himſelf, which might further the doing of miſchief to his adverſaries: whereof the King hearing, commanded, that if ever he could be taken, he ſhould be brought alive to him without any hurt.

the great Levell.

But having warning by theſe loſſes, the King cauſed more ſtrict guards and watches day and night in every place; and within ſeaven days raiſed four or five mounts of earth and other materialls, in which they placed certain warlike Engines; intending, on the morrow, with all their force to aſſault the Iſle; and that they might the better ſucceed therein, ſet that old Witch before mentioned, upon the higheſt place, in the very midſt of them; that, being ſo well guarded, ſhe might exerciſe her wicked Art. Who being ſo got up, made long ſpeeches againſt the Iſle, and all thoſe that were in it, making ſignes and ſhews of their being vanquiſht; and allways at the end of each ſpell, ſhe turned up her bare buttocks towards the Iſle. Howbeit, as ſhe was beginning with her third ſpell, there were thoſe of the Iſle that ſet fire on the Reedes growing in the Fen all thereabouts; which, by the help of the wind, ſpread it ſelf no leſs than two furlongs; and making a horrible noiſe of crackling amongſt the willows, and ſuch like Vegetables, did ſo affright the aſſaylants, that they haſted away as faſt as they could; but being troubled with the ſmoak, could not tell which way to betake themſelves, inſomuch as many were drowned, the defendants having the advantage of the wind and ſmoak, getting out of the Iſle, and ſhouring multitudes of arrows upon them.

And in this prodigious rout and confuſion of the aſſaylants, down tumbled the old witch, from the place where ſhe was ſet, and broke her neck: nay the King himſelf hardly eſcaped death, there being an Arrow ſhot into his Target, which he carried away with him to his Tent: which ſo ſoon as his Souldiers

ſaw,

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ſaw, they feared he had been wounded; but he told them, he was not at all hurt, otherwiſe than by evill Counſel, in being deceived and abuſed through the cunning of that wicked Sorcereſs; expreſſing, that all the miſchief which had hapned, did befall him deſervedly, in putting any truſt in her devilliſh Art.

At that time it was, that *Raphe*, ſirnamed *Waer* (Earl of the **Eaſt-Angles**) having privily got together a great ſtrength, inviting divers of the Engliſh to his wedding, obliged them to his party deceitfully, by an Oath; and waſted the whole Country, from **Norwich** to **Thetford**: whereof the two Earles, and all the reſt of the chief perſons, who then were in this Iſle, having notice, repaired to them; leaving only *Hereward*, with the Monks and his own Souldiers, to defend this place.

Things ſtanding therefore thus; the King diſcerning that all his endeavours were fruitleſs, as to the conquering this Iſle by war or power, having loſt ſo many men in his attempt to that purpoſe; he at length, by the Councel [q] of *William*, then Biſhop of **Hereford**, and others, determined, that all the goods and poſſeſſions belonging to that Abby, which lay without the compaſs of the Iſle, ſhould be ſeiſed on, and divided amongſt his Souldiers; to the end that they might keep guards on the outſides thereof. Of which the Monks having knowledge, they forthwith conſulted together, their Abbot being returned (who diſſembling to go with thoſe Earles, fled with the ornaments and treaſure of the Church, to **Angerhale**;) and reſolved, [r] not only to yield peaceably to the King, in caſe he would reſtore unto them freely and honourably all the lands belonging to their Church, but to give him a thouſand marks; and accordingly ſent cunningly, without the knowledge of the noble *Hereward*, to make that tender to him, the King being [s] then at **Warwick**; who acceptably entertaining it, they gave admiſſion [t] to him and his Souldiers, to come privately into the Iſle, when *Hereward* was gone out with his men to forage; to the end that the buſineſs might be done without reſiſtance: which being diſcovered to *Hereward*, by one of the ſaid Monks, (whoſe name was *Alwyne* the Son of *Orgar*) he grew ſo enraged, that he reſolved to ſet the great fire on the Church and the Town: but at the earneſt intreaty and prayer of that Monk; wiſhing him rather to have regard to his own ſafety; as alſo telling him that the King, with all his Army, was then at **Wyccheford** (within the diſtance of one furlong) and deſiring him, that he would ſecure himſelf by flight, in caſe he had no mind to make his peace; he yielded to thoſe his perſwaſions, becauſe he had often accompanied him in his military adventures, and been faithfull to him: and thereupon, preſently, betook himſelf to thoſe his Ships, which he had to guard the Iſle, into a certain large and ſpacious Meer, called **Wide**, not far from **Welle** (this being the ſeventh year of their ſo holding of the ſame Iſle againſt the King;) and ſailed thither, in regard there were free paſſages out of it: And there reſolving to ſtay a while, employed ſome of his Souldiers towards **Saham**, to plunder and pillage the Country; to whom he ſent out Scouts to bring them back to him, leſt they ſhould be taken. Which Scouts, finding them in a little Iſland, called **Stuntney**, thought them to be their Enemies; and therefore two of them (*viz.* *Scarfulte* and *Broher*) got amongſt the Reedes; and with their Swords each ſhaved the others Crown, expecting thereby to find the more favour being taken: but at length, diſcovering that they were all of a ſide, they went away together, and ſoon got to their Maſter: who had not been long in the ſaid Meer, but that the Country people and the King's Souldiers ſo beſet him, that being forced to flee, he kill'd his own Horſe, leſt any mean fellow ſhould boaſt, that he had taken him: and ſo getting away into **Burteſwald**, and the great woods of **Northamptonſhire**, he very much waſted the Countrey thereabouts with fire and Sword.

And having thus left this Iſle, where the vaſtneſs and depth of the waters had yielded him ſuch great, and ſo long ſecurity (for which reſpect I have made this digreſſion) I ſhall conclude with this Character, which *Ingulphus* (the then Venerable Abbot of **Croyland**) gives [u] of him; *Porro cum ſupramemorati Comites* (Edwinus & Morkerus, Rogerus

Comes

[q] Ex hiſt. Eccl. in bibl. *Cotton.* ſub effigie *Titi* A. 1. f. 87. a.

[r] Ibid.

[t] Ex Regiſt. de *Peterb.* ubi ſupra.

[u] p. 512. b.

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Comes Herefordenſis, Radulfus *Comes* Southfolciæ, & Waldevus *Comes* Northumbriæ) *inclyto Regi* Willielmo *repugnarent*, Helienſes *paludes*, *cum aliis multis magnatibus*, *ſimiliter exhæredatis*, *occupantes*; *celiri nuncio* Herwardus *ad eos accerſitus*, *Dux belli & Magiſter militum efficitur*; *ubi tot bellica facinora fecit*, *toties adverſarios vicit*, *tot vicibus illuſit*, *quod perpetuam laudem meruit*: *quippe qui ruinas ſuæ patriæ pereuntis*, *quamdiu potuit ſuſtentavit*, *& inultos abire ad inferos non permiſit*. *Cæteri optimates ſe*, *Regi dedentes*, *ejus gratiam tentaverunt*; *ſolus hic omnibus hoc recuſans*, *ſe*, *ſubdere diſtulit*, *ac aliâs divertit*, *id eſt*. *Therefore when the before mentioned Earls* (Edwine *and* Morkere; Roger *Earl of* Hereford, Raphe *Earl of* Suffolk, *and* Waltheof *Earl of* Northumberland) *not ſubmitting to the King*, *had*, *together with divers other great men*, *in like ſort diſherited*, *poſſeſſed themſelves of the Fenns at* Ely; *they forthwith ſent for* Hereward, *and made him General of all their forces*: *where he did ſo many warlike exploits*, *ſo often beat his adverſaries*, *and ſo many times deluded them*, *that he obtained laſting renown for the ſame*; *foraſmuch as he did* (*ſo long as he could*) *ſuſtain the tottering ruines of his Country*, *and was not cruel to his Enemies*. *And when the reſt of the Nobles*, *rendred themſelves*, *in hope of the King's favour*; *he only refuſing*, *would not ſubmit*; *but got away*.

Yet afterwards he made his peace: And having iſſue one only daughter, called *Turfride*, married [w] to *Hugh de Evermue* Lord of Deping (in Lincolnſhire) with the Foreſt adjoyning; entertaining the ſaid *Hugh* upon a time, at his Houſe in Huntendon; it hapned, [x] that through a quarrel which aroſe then betwixt them, he was there wretchedly ſlain by his ſaid Son in law: And buried at Crouland.

[w] Ex vet. Rot. MS. penes *Georgium Purefoy* de Hoodley, in com. Berks. a. 1653.

[x]

the great Levell.

Cap. XLI.

KIng *william* therefore, being now poſſeſſed of this Iſle, which he found ſo troubleſome and chardgable in the gaining, thought it no ſmall piece of policy to ſecure the ſame from the like danger for the future: and therefore, having afterwards ſome difference with Scotland, compelled [y] the Abbot to maintain no leſs than *xl.* Souldiers for the defence thereof; which being ſuch perſons (or their ſubſtitutes) as held of him by military ſervice, had their conſtant dyet in his Hall, as alſo daily pay at the hands of the Celerer.

[y] Ex hiſt. Eliens. Eccl. in bibl. Cotton. ſub effigie *Tiberii* A. 1. f. 89. b.

But afterwards it was not long ere that this Conventual Church of Ely became a Cathedral, for [z] in the time of King *Henry* the firſt, *Richard* the then Abbot, not being well pleaſed to live under the Biſhop of Lincolne, to whoſe Dioces Cambridgſhire (within which this Iſle is ſituate) then belonged; ſuggeſting to the King, that this would be a fit place for an Epiſcopal ſee, and procuring the Popes conſent thereunto, obtained his deſire therein; hoping to have been the firſt Biſhop of this new Dioces: but though he was prevented thereof by death, yet did not the King neglect to do what he was ſo ſollicited unto; and therefore, beſtowing upon the Biſhop of Lincolne the Mannours of Spaldwick, Brickleſworth, and Boketen, in recompence of the loſſe, which the ſaid Biſhop ſuſtained, by exempting of the ſaid County of Cambridge from his juriſdiction, compleated his purpoſe therein. And to the intent, that the revenues of this Biſhoprick might afford him an honourable ſupport, they reduced the number of Monks, which were *Lxx.* to *xl.* whereupon *Herueus* Biſhop of Bangor in Wales, was made the firſt Biſhop here.

[z] *Godw.* de Præſul.

At that time (for ought I can find) there was not any other acceſs into this Iſle than by Ships or Boats; this Biſhop therefore, being deſirous to have a Cauſey through the Fenn (as it ſhould ſeem) but doubting whether the Monks would

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think the work feſible at all; or if ſo, with any indifferent chardge, ſo contrived the buſineſs, that it was ſet upon without any fear of either, and became accompliſhed accordingly. The ſtory may, perhaps, to ſome ſeem fabulous; but take it from the Authority of the Leiger [a] book of that Monaſtery.

[a] in bibl. *Bodl.* [L. 69.] lib. 2. f. 26, a.

There appeared, in a viſion, unto a certain Countrey-man, who dwelt at **Exning** in **Suffolk**, S. *Edmund* the King and Martyr (in honour of whoſe memory, that famous Abby of S. **Edmundsbury** had been long before founded;) and awakening the man, ſaid thus to him, *Good man! liſten well unto what I ſhall ſay unto thee; and what I appoint thee to do, fail not with effect to accompliſh. Ariſe and go preſently to the Biſhop of* **Ely**; *and tell him in my name, that he muſt make a way whereby I may viſit S.* Audrey. Who accordingly made haſte to the Biſhop, and acquainted him with this his Viſion and command: the good Biſhop therefore weeping for joy, delayed not to make enquiry how this buſineſs might be done; and finding, that no man durſt, for what chardge ſoever undertake to accompliſh it; there ſtept out a certain Monk of that Abby, called *John* (a ſoft man to all outward appearance) who told the Biſhop that he would, by God's help, perform the work. Whereupon, ſetting in hand therewith, he began to meaſure the diſtance from **Soham** to **Ely**, and to cut down the Reedes which ſtood in his way; as alſo to make Bridges over the Rivers; and ſo went on in raiſing of the ſaid Cauſey, which he perfected in a very ſhort time, to the wonder of all men that then ſaw it; that Cauſey being ſtill called **Soham Cauſey.**

Which place (*viz.* **Soham**) is alſo famous [b] for two other things; firſt for the great Meer, that heretofore made the paſſage by Ships and Boats very dangerous to thoſe, who came into the Iſle that way, before the ſaid Cauſey was made: and next for that the body of *Fælix* Biſhop of the **Eaſt-Angles** was tranſlated from **Domuc** hither. Which Biſhop dyed almoſt a thouſand years ſince.

[b] *W. Malm.* de geſtis Pontif. lib. 2. f. 135. a. n. 30.

To *Hervæus* ſucceeded *Nigel* in that Biſhoprick; of whom I may not omit to obſerve; [c] that he, diſcerning this Iſle to be a place of ſuch great ſecurity, through the advantage of the Fen, wherewith it is encompaſſed; that, joyning with *Baldwine de Rivers* in the Rebellion againſt King *Stephan*, he made a ſtrong Fort of lime and ſtone within the precinct thereof: but that Fort, being by the power of S. *Audrey* (as mine Author ſaith) often deſtroyed, he built one of timber neer to his Engines of war; and walled in the round hill (called the Keep) which was committed to his cuſtody by *Geffrey de Magnavill* Earl of **Eſſex**, and *Richard de Clare* Earl of **Hertford**; whereof knowledge being given to certain great men of that Country, they made a confederacy with him: But the King having intelligence thereof, ſent his Army to aſſault it; yet prevailed little therein, till he himſelf came with his Ships; and then [d], having prepared a multitude of Hurdles, made with them a paſſage for his Horſe: which when they within diſcerned, they threw down their Armes and ran away: but the Biſhop eſcaped and got to *Maud* the Empreſs.

[c] Exhib. M.S. *Elien.* Eccl. in bibl. *Cotton.* ſub effige Titi A 1. f. 99. a.

[d] *Le'.* Coll. vol. 1. p. 864

And as for the reaſons before expreſſed, this Iſle hath been in thoſe former times of trouble, eſteemed a place of ſuch great ſecurity, ſo was it afterwards upon the like occaſion: for after the death of *Euſtace* Biſhop of **Ely** (which hapned about the latter end of King *John's* time) the Monks [e] having elected one *Robert*, a **Yorkſhire** man; who not only took the profits of the Biſhoprick for five years, without any conſecration; but adhered unto *Lewes*, Son to the King of **France**, at that time in this Realm and the King's Enemy (as our Hiſtorians do at large ſet forth) King *Henry* the third, fearing leſt he ſhould receive the ſaid *Lewes* into this Iſle, made a very great complaint [f] thereof to the Pope; whereby, repreſenting that danger, he calls it *optima munitio Regni*; *the beſt Fort in all his Kingdome*; and therefore humbly beſought the Pope, that he would provide a better Paſtor for this Church: which he, accordingly, did.

[e] *Godw.* de Præſul.

[f] Clauſ. 3. H. 3 in do. ſo m. 13.

Nor had it leſs account, as it ſeems in 49°. of that King's reign: for after the battail of **Eveſham**, wherein the Army of the rebellious Barons was vanquiſht; divers of thoſe that fled, betook themſelves

selves to this place; amongst which *John de Eyvile* and *Robert de Wileby* were [g] the chief commanders: Against whom, I find, that the King, about two yeares after, preparing an Army, appointed [h] his faithful subject *Will. Charls*, to bring Barges and Souldiers, from the Sea coasts of **Norf.** and **Suffolk**, for the assaulting thereof: this being the time, that the King himself, with some forces, came [i] privately to **Ramsey**; neer which place he slew and took Prisoners divers of those his Rebels, who had issued out of the said Isle, and plundered the parts thereabouts. But notwithstanding this they were not yet subdued; for the next year after, it appears, [k] that *Henry de Hastings* was the principal Officer, and Governour of this Isle, on the behalf of those Rebels.

[g] *Ll.* Col. vol. 2. p. 379.

[h] Pat. 51. H. 3. in dorso. m. 24.

[i] Annal. *Math. Wellm.* lib. 2. p. 345.

[k] *Ll.* Coll. vol. 2. p. 379.

And now, having by these sundry remarkable instances shewed how vast and deep a Fenn this great Level antiently was; my next endeavour shall be, to declare what I have observed to have been done, in order to the drayning and improvement thereof, or any part of the same; beginning where I left; *viz.* on the Northside of it.

Cap. XLII.

Kesteven. ON the Southern part of this Province lyeth **Deping** fenn, which is now at least ten miles in bredth? Whereof the most antient mention that I have met, is about the beginning of King *Edward* the Confessor's reign; *Egelric*, who had been [a] a Monk of **Peterborough**, (but at that time Bishop of **Durham**) then making [b] a firm Causey of Wood & gravel over it, from **Deping** to **Spalding**, for the advantage of passengers; *opus sumptuosum valde, primèq; necessarium, quod usq; nunc & semper in futurum, quamdiu duraverit, de factore* Egelrico *cognomen habet*, id est **Elriche rode**, sayth [c] *Ingulphus*; *A most costly work, but of extraordinary necessity; which now doth, and as long as it shall last, will bear his name.*

[a] [b] [c] Hist. *Ingulphi* f. 510. a. n. 30.

At that time part of this Province was a Forest [d] as well as a Fen, and possest by *Leofrike* Earl of **Mercia**; for he was then Lord [e] of **Bune**, and the Marshes adjoyning. From which *Leofrike* it came to *Hereward* his younger Son (of whom I have made ample mention in my discourse touching the Isle of **Ely**) and by his Daughter and heir, *Turfrida*, unto [f] *Hugh de Evermue*, then Lord of **Deping**. So also, by the sole daughter and heir of the said *Hugh*, unto [g] *Richard de Rulos*, Chamberlain [h] to King *William* the Conquerour: And by his daughter and heir to [i] *Baldwin fitz Gilbert*. Which *Baldwin* leaving also issue one only daughter and heir, wedded [k] to *Hugh Wake*; the said *Hugh* became in her right, Lord and owner of those places (*scil.* **Bourne** and **Deping**:) and was also principal Forester [l] to the King (*H.* 3.) for his whole Forest of **Kesteven**.

[d] Ibid.

[e] Ibid. f. 511. a. n. 30.

[f] Ibid. n. 10.

[g] Ibid. 515. b. n. 20.

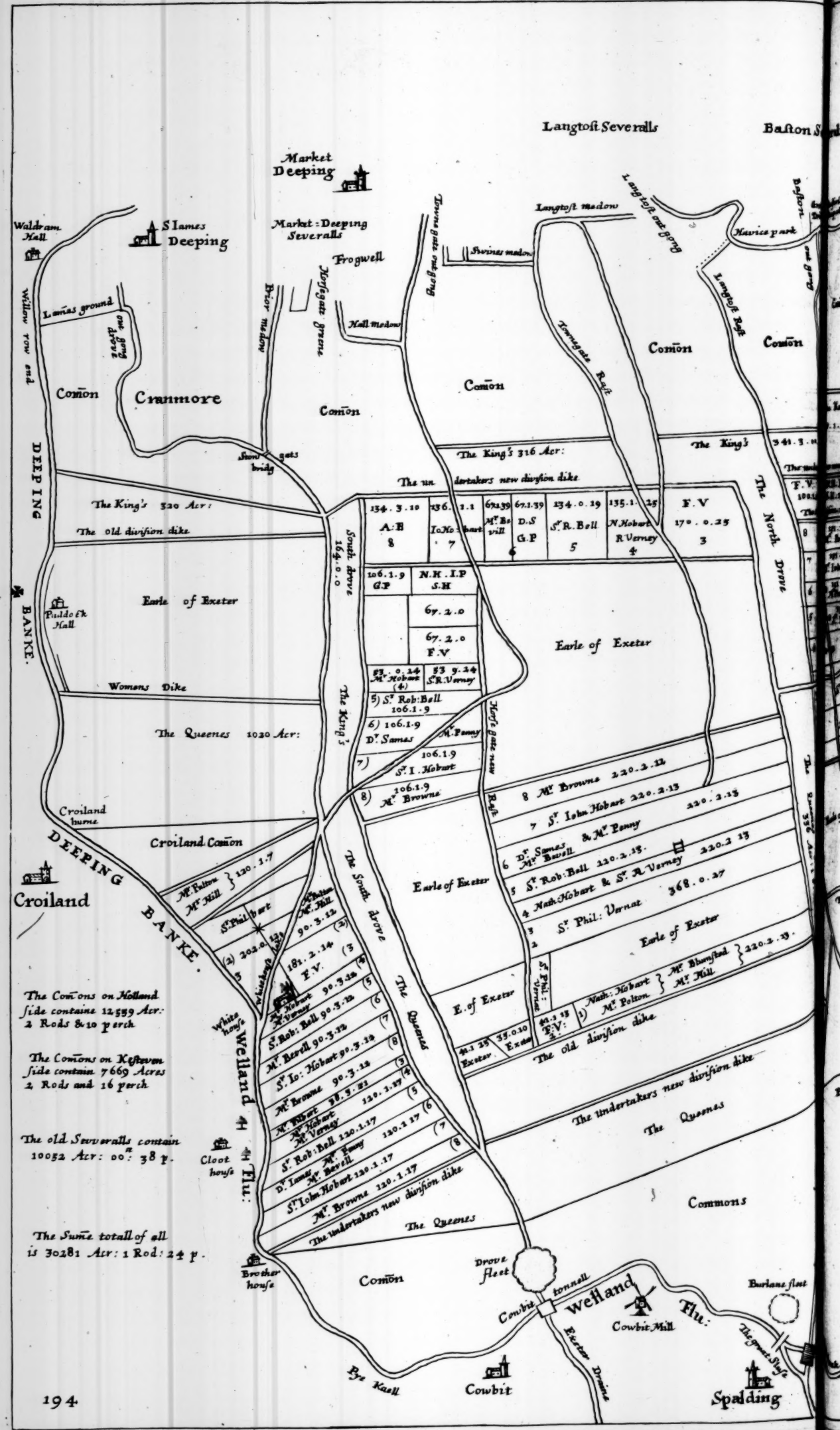
[h] Ibid. f. 516. a. n. 10.

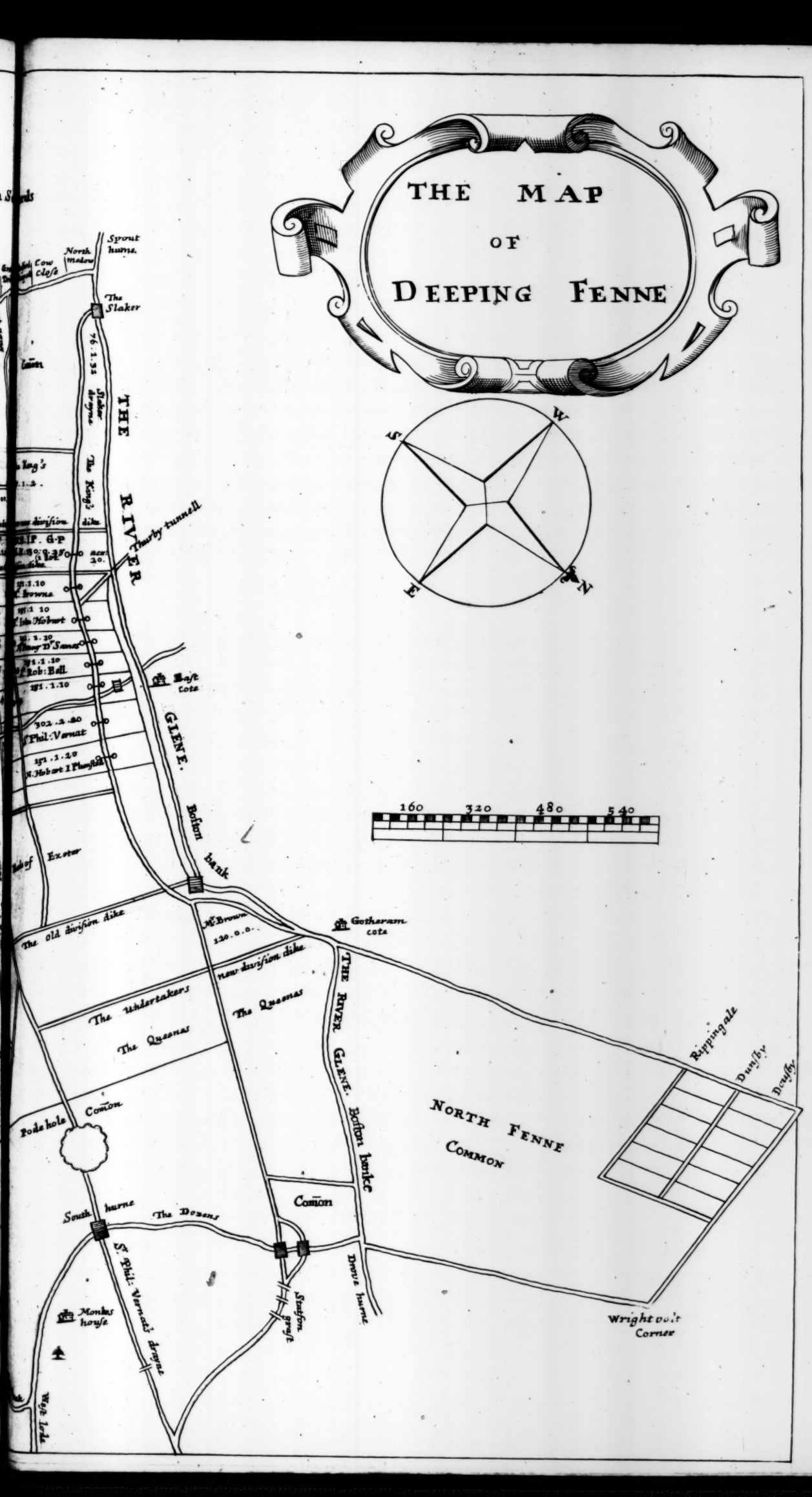
[i] [k] [l] Ex Regist. Croyland [illegible] Oid. de Spalding Num. f. 89. a.

But the scope of my present discourse, being of improvements by Industry, I must return to the said *Richard de Rulos*: Of whom I find, [m] that he was much addicted to good Husbandry; *viz.* tillage and breeding of Cattel, and took in a great part of the common Fenn adjacent, and converted it into several, for meadows and pastures. The like inclosure [n] he also made, from the Chapel of S. *Guthlake* (which the Monks of **Croyland** built before the invasion of the Danes, when the place where **Deping** now stands was theirs) of all his lands Eastwards to **Caerdike**; and beyond **Caer dike** to **Clet lake**, without **Cram moze**; excluding the river of **Weland** with a mighty Bank; because every year, almost all his meadows, lying neer unto that stream, were overflowed with the continual inundations thereof; for which reason, this place called **Deping**, had first that name; *id est* **a deep meadow**: And erecting upon that bank divers tenements and Cotages, did, in a short time make it a large town, whereunto he assigned Gardens and erable fields. And by thus banking [o] the said River, reduced those low grounds, which were before that time deep lakes and unpassible Fenns, into most fruitful fields and pastures; and the most humid and mooriſh parts thereof to a Garden of pleasure. And having by this good

[m] [n] Hist. *Ingulphi* f. 515. b.

[o] Ibid.


Langtoft Severalls
Market Deeping
Market: Deeping Severalls
S James Deeping
Waldram Hall
Frogwell
Langtoft meadow
Swines meadow
Hall meadow
Common
Cranmore
DEEPING
BANKE
Croiland
Croiland Common
Earle of Exeter
The King's 320 Acr:
The old division dike
The Queenes 1020 Acr:
Womens Dike
The King's 316 Acr:
The undertakers new division dike
The North drove
South drove
Horse gate new
The Queenes
The old division dike
The undertakers new division dike
Commons
Welland Flu:
Cowbit
Cowbit Mill
Spalding
Brother house
Cloot house
White house
Drove Fleet
Burlane sluice
The great Sluice
Exeter Drains
Pyt Kaell
The Commons on Holland side containe 12559 Acr: 2 Rods & 10 perch
The Commons on Kesteven side contain 7669 Acres 2 Rods and 16 perch
The old Severalls contain 10052 Acr: 00: 38 p.
The Sume totall of all is 30281 Acr: 1 Rod: 24 p.


THE MAP
OF
DEEPING FENNE
W
S
E
N
160 320 480 540
THE RIVER GLENE.
Sprout hurne.
North medow
Cow close
The Slaker
Slaker dreyne
The King's dike
Thurlby tunnell
East cote
Boston bank
Gotheram cote
The old division dike
new division dike
The Undertakers
The Queenes
The Queenes
Comon
Pode hole
South hurne
The Dozens
St. Phil: Vernat's dreyne
Monks house
Stanfon dreyt
Drove hurne
THE RIVER GLENE. Boston banke
NORTH FENNE
COMMON
Ripping gate
Dunsby
Drayby
Wright doit Corner
West Lake

good husbandry brought the ſoil to that fertile condition, he converted [p] the ſaid Chapel of S. *Guthlake* into a Church, the place being now called **Market Deping**. By the like means of banking and drayning, he alſo made [q] a Village, dedicated to S. *James*, in the very Pan of **Pudlington**; and by much labour and chardge reduced it into fields, meadows and paſtures; which is now called **Deping** S. *James*.

[p] Ex Chron. Abb. *Croulandiæ*, compoſitio temp. H. 7.

[q] Ibid.

Of what extent the Foreſt, whereof I have already made mention, to have been in theſe parts of this Province, and poſſeſt by *Leofrike* Earl of *Mercia*, was, I am not able to ſay: but it appears [r] that King *Henry* the firſt, for the pleaſure of Hunting, doing much hurt to the Common Wealth by enlarging of Foreſts (as his Brother King *William Rufus* had done) did afforeſt [s] theſe Fenns between **Kelleven** and **Holand**; *viz.* from the Bridge of **Eaſt Deping** (now Market **Deping**) to the Church of **Swaiſton**, on the one ſide; & from the bridge of **Bicker**, and **Wragmere ſtake**, on the otherſide; which metes divided the North parts, and the river of **Weland** the South; excepting the Fen of **Goggiſland**, in regard it was a Sanctuary of holy Church, as belonging to the Abby of **Croulande**: which Fen the Monks of that Houſe, having licence [t] from the ſaid King, did cloze, for their own uſe; making the Ditches about it bigger than ordinary, for the avoyding of diſcord.

[r] Ibid.
[s] Vide Clauſ. 18. R. 2. m. 33.
[t] Ibid.

And being thus made Foreſt, it continued ſo, untill King *Henry* the third's time, who in the *xiiii*th. year of his reign, granted [u] unto all the Inhabitants within the ſame, that it ſhould thenceforth be deafforeſted by theſe ſubſequent bounds; *viz.* in length on the one ſide from **Swaſtone** to **Eaſt Deping**, as **Kares dike** extends it ſelf, betwixt **Swantone** and **Eaſt Deping**. And, in length, on the other ſide towards **Holand**, from the bridge at **Bikere** to the great bridge at **Spalding**: And in bredth on the one part, from that great bridge at **Spalding** to **Eaſt Deping**, as the river of **Weland** goeth betwixt **Spalding** and **Eaſt Deping**. And on the other ſide from the land of **Swaſtune**, unto the bridge at **Bikere**: So that all the Lands, Marſhes, and Turbaries, within thoſe precincts, were thenceforth to be quit of waſte and regard.

[u] Clauſ. 14. H. 3. m. 10.

The Deafforeſtation of Kelleven.

Kelleven.

In the 18 of King *Edw.* the firſt's reign, *Henry* then Abbot of **Croyland** and his Monks were impleaded [w] by *Thomas Wake* of **Lidell** (then Lord of **Deping**, by deſcent as aforeſaid) for fiſhing at **Eſt Deping** in the free fiſhing of the ſaid *Thomas*; and for throwing down a certain bank in his Fen there, which the ſaid *Thomas* had made for the ſafeguard of the ſaid Fen from being overflowen by the freſh waters.

[w] Ex Roll. de Croulande prædicto 13. 83. o.

But to this the ſaid Abbot and his Monks made anſwer, that being poſſeſt of the Mannour and Town of **Croulande**, within which there is a certain River, called **Weland**, running time out of mind, from the boundary called **Kenulf ſtone**, in the Weſt, unto the ſite of the Abby within the ſaid Town: and ſo from the ſaid Abby, to **Brother houſe** towards the North; he the ſaid Abbot and all his predeceſſors Abbots of that place, were always, and till that time ſeized thereof, and of the free fiſhing therein, as Lords of that Mannour and Town. And farther ſaid; that the place where this treſpaſs was aſſigned to be, was within thoſe limits, and precinct of that their Mannour; acknowledging that he did fiſh there, as the ſaid *Thomas* had alleged.

And as to the ſaid Ditch, he ſaid; that within the precinct alſo of the Mannour of **Croulande**, there was a certain Fen, called **Goukeſlaund**, which then was his proper ſoil, and ſo had been of his predeceſſors, time beyond memory, as parcel of the beforeſpecified Mannour. And moreover, that the courſe of the freſh waters, flowing from the Weſt, in the ſaid Fenn, did then run, as always they had uſed to do, from the ſame Fen into the ſaid River of **Weland**, and ſo to the Sea. And he likewiſe alleged, that becauſe the ſaid *Thomas* had raiſed a bank upon the land of him the ſaid Abbot, within his Mannor of **Croyland**, in a certain place where none had ever been before; by which bank, the courſe of thoſe freſh waters being ſtopt, the ſaid Fen called **Goukeſland**, and other Fens adjoyning thereto were overflown; and the Abby and Town of **Croulande** in danger to be

Kesteven. thereby drowned; he the ſaid Abbot perceiving that the aboveſpecified bank was ſo raiſed, to the end that the ſaid Abby and Town might be drowned, did cauſe ſeveral parts thereof to be thrown down.

But notwithſtanding this anſwer, the x Ibid. f. 85. a. Abbot was, by the Jurors, found x guilty both of the treſpaſs in fiſhing, as aboveſaid, and breaking that bank, to the damage of the ſaid *Thomas Wake*, no leſs than CCCC. marks.

In 9 *E.* 2. *Edmund Deincourt*, *Lambert de Trikyngham*, *Roger de Cuppledyk*, and *Robert de Malberthorp* were conſtituted y Pat. 9. E. 2. p. 1. m. 26. in dorſo. y Commiſſioners to view and repair the Banks, Sewers, and Ditches within this Province, by which the freſh waters in the Marſhes betwixt this part of the Country and **Holand**, had uſed to paſs unto the Sea. And in the ſame year, the ſaid *Edmund d'Eyncourt*, *Nich. de Widmerpole*, and *Richard de Whattone* were appointed z Pat. 9. E. 2. p. 2. m. 15. in dorſo. z to enquire touching the Rivers of **Smyte**, **Dyvene**, **Wycheme**, **Widelwynene** and **Fulbik**, choakt up for want of ſcouring; by reaſon whereof the Inhabitants in thoſe parts did then ſuffer much damage.

In 16 *E.* 3. *Gilbert de Umframvill* Earl a Eſc. 16. E. 3. n. 70. of **Anegos**, exhibited a Petition a to the King, whereby he repreſented, that whereas there was a certain water, called the **Ee** of **Kyme**, betwixt **Doc dyke** on the Eaſt part, and **Bzentken** on the South (within this province) which did run through the lands of the ſaid Earl, for the ſpace of ſix miles in length; but was ſo obſtructed and ſtopt, by reaſon of mud and other filth, that Ships laden with Wine, Wool, and other Merchandize, could neither paſs through the ſame in Summer nor Winter, as they had uſed to do, except it were ſcoured and clenſed; and the banks ſo raiſed, that the tops of them might appear to Mariners paſſing that way, whenſoever the Marſhes there ſhould be overflowed. And that, as the ſaid Earl had for the common benefit of thoſe parts, beſtowed no ſmall coſts towards the repair of the ſaid place, called the **Ee**, and heightning of thoſe banks; ſo he intended to be at much more, in caſe the ſaid King would pleaſe to grant unto him, and his heirs for ever, certain Cuſtoms of the Merchandize paſſing in Ships through the ſame, to have and receive in form aboveſaid; *viz.* for every Sack of Wool carried through that Chanel, four pence; for every Pocket of VVool, two pence. For every Tun of VVine, four pence; for every Pipe of VVine, two pence. For every four quarters of Corn, a peny; for every thouſand of Turfes a peny. For every Ship laden with Catel, four pence: and for every ſhip laden with other commodities than aforeſaid two pence. VVhereupon the ſaid King directed his Precept to *William Fraunk*, then his Eſchaetor in this County, that he ſhould forthwith make Inquiſition, and certify, whether it would be to the damage of him the ſaid King or his Subjects, if the ſaid Cuſtoms were granted unto the beforementioned *Gilbert*, for the purpoſes above expreſſed.

And accordingly the ſaid Eſchaetor did certify, that it would not be prejudicial to the ſaid King or any others to make ſuch grant.

Upon a Preſentment b exhibited in the Court of King's bench in 28 *E.* 3. the town of **Thurleby** was diſchardged from repairing a certain Chanel, called **Edyke**, any farther than from **Catebigg** to **Boſton cote**; and thence to the Croſs next unto **Boſton cote**. b Plac. coram Rege term. Hill. 28. E. 3. Rot. 26. Lin.

In 40 *E.* 3. the Lady *Blanch Wake* complained c to the King; that whereas ſhe was then poſſeſſed of the Fen, called **Depingsei**, as parcel of the Mannour of **Deping**, which ſhe held in dower of the inheritance of *Joan*, at that time wife to *Edward* Prince of **Aquitane** and **Wales** (commonly called *the black Prince*.) And that the ſaid Fen, by reaſon of the paſſages of the Rivers of **Weyland** and **Nen**, as alſo of other waters, to the ſea, which deſcending through thoſe Marſhes, were hindred of their right courſe, by Floudgates, Mills, and Pooles, then newly raiſed upon thoſe ſtreams; as alſo by piles and ſtakes therein fixed, and trenches made, and likewiſe by breaches in the ſaid banks, and for default of ſcowring the ſewers, were ſo overflowed, that the ſaid *Blanch* or any other perſons could ſcarce receive any commodity in the ſame Fen, as they had uſed to do: He therefore aſſigned d *Simon Symeon*, *Roger de Meres*, *John de Repyngale*, *Thomas de Pinchebek*, and c Pat. 40. E. 3. p. 2. m. 40. in dorſo. d Ibid.

and *Reginald de Tykefore* to view the ſame, and to take care for the amendment thereof.

In 41 *E.* 3. the Abbot of **Kirkſtede** was, upon a pleading acquitted [e] from the ſcouring of a Ditch called **Stopdyke**, for which he was preſented before *Gilbert de Umframvill* Earl of **Angos**, and his fellow Juſtices of Sewers.

[e] Plac. coram Rege term. *Hill.* 41. E. 3. Rot. 15. *Linc.*

In 50 *E.* 3. there was a Preſentment exhibited againſt the ſaid *Gilbert*, for taking of Toll, of all vendible commodities, carried in Boats from **Boſton** to **Keſteven**, whereunto he pleaded, [g] that he did take that Toll for ſcouring the Chanel, called the **Ee** of **Kyme**, which paſſed through the midſt of his Mannour or Lordſhip of **Kyme**, betwixt **Doc dyke** and **Bentken**, to the river of **Wythom**, and was the very water ſpecified in the Preſentment, and there called **Home milnedike**, on both ſides: which Chanel was then ſo filled with mud, that Ships and Boats could not paſs through it, untill that he the ſaid *Gilbert*, by virtue of the King's writ of *Ad quod dampnum*, did cleanſe and ſcour the ſame; and by his royal Charter, granted Licenſe to the ſaid *Gilbert* and his heirs, to take Toll of ſuch Veſſels, bringing thoſe commodities.

[f] Plac. coram Rege term. *Trin.* 50. E. 3. Rot. 15. *Linc.*

As to the condition that **Bunne Fen**, and **Deping Fen** ſtood in, it was thus certified [h] in 4 *R.* 2. after the death of *Blanch* the Widow unto *Thomas Wake* of **Lydel**, (who then dyed ſeized of the Caſtle and Mannour of **Bunne**, which ſhe held in dower, for the term of her life) *viz.* that the Marſh called **Bunne fen** did extend it ſelf from a certain place called **Arſth wenth**, to **Potter lane** in **Bunne**: thence to **Werton**; thence to **Litildyke**, and thence to the Ditch belonging to the Prior of **Spaldyng**. And that the profit of the turfs, digg'd yearly there, amounted to *C*s. And the profit of Strangers Cattel there agiſted annually, as much. And moreover that there was a certain yearly commodity, called Poundage, taken in the ſaid Fen for the ſtrange Cattel for *Greſhyre*, from **Morton** to **Sekholme**, and thence to the Gates of **Wrigbolt**; and thence to **Dewe hirne**; and thence by **Bunne Ee** to **Goderhamcotes**; and thence to **Eſtcote**; and thence to the Croſs at **Eſthowe**; and thence to **Hedylhowe**; and thence to **Arſth wenth**; which poundage was worth by the year *iiii*s.

[h] Eſc. 4 R. 2. n. 59.

And that the Marſh called **Deping fen**, did extend it ſelf from **East Deping** to the middle of the bridge of **Crouland**, and the middle of the river of **Weland**; and thence to the meſſuage of *William atte Touneſend* of **Spalding**: and thence to a certain place called **Dowe hirne**; thence to **Goderhamkote**; thence to **Eſtcote**; and thence to **Baſton barre**; thence to **Langtoft outgonge**, and thence to **East Deping** in length and bredth. And that the agiſtments of all Cattel in the ſaid Marſh, did then belong to the Lord, and were worth annually *xx*l. And moreover that there was a certain profit of turfs, yearly digg'd therein, worth *xx*l. And likewiſe a profit of poundage, to be yearly twice taken of all Cattel within the ſame Marſh; *viz.* one time of Horſes, and afterwards of Cattel; whereupon all Cattel which have right of Common there are delivered with payment of *Greſhyre*: but of other Cattel the Lord had **Greſhyre**, which was worth *xx*l. *per annum*. Alſo that there was within the ſaid Marſh, a certain profit of Fiſhing, newly taken, by reaſon of the overflowing of the waters on the North part towards **Spaldyng**; which was yearly worth *vii*l. And that the other profits of Fiſhing and Fouling throughout the whole Fen was then worth *C*s. And laſtly, that the fiſhing to the midſt of the river of **Weland** to **Crouland**, and thence to **Spaldyng** was yearly worth *L*s.

Keſteven.

In 5 *R.* 2. upon a pleading [i] in the Court of King's Bench, it was found, that neither the Abbot of **Bune**, nor the Town of **Bune** ought to repair the Sewer called **E-dike**, from **Goderamcote** to **Eſtcote**; and that their predeceſſors nor anceſtors did ever repair the ſame, nor any part thereof; therefore they were diſchardged.

[i] Plac. coram Rege term. *Hill.* 5. R. 2. Rot. 26. *Linc.*

In 11 *R.* 2. *Henry de Percy* Earl of **Northumberland**, *John de Beaumont*, Sir *Nicholas de Hebden* Knight and others, were conſtituted [k] Commiſſioners for the view and repair of the Banks, Ditches and Sewers, lying betwixt **Lincolne** and **Wig dyke**, which by the overflow-

[k] Pat. 11. R. 2. p. 1. m. 33. in dorſo.

Kesteven. ing of the Fresh waters were then broken in divers places: and to proceed therein according to the Law and custome of this Realm.

[l] The like Commission in 14 *R.* 2. had *Will. Thorpe*, *Anketine Mallore*, *Will. Thirwyng*, *Richard Sydenham*, *Will. de Crosseby*, and *John Goffron*, for those Banks and Sewers from **Cadebrig** to **Dunnesby**, through the midst of **Thoxleby fen**, and the parts adjacent.

[l] 1 Par. 14. R. 2. p. 2. m. 32. in dorso.

[m] In this year, upon question betwixt the Inhabitants of **Kesteven** and **Holand**, touching the bounds betwixt those provinces, there was a Commission granted by the King to *Robert de Willughby*, *Philip le Spenser*, *Raph de Cromwell*, *Will. de Skipwith*, *Will. Thirning*, *Richard Sidenham*, *John Markham*, *Edmund de Clay*, and *Robert de Mantell* to enquire thereof. Whereof a Perambulation was made, and an Inquisition taken at **Bigge bikes** by the Oaths of *Andrew de Leake* and others of the parts of **Holland**; and of *John Paynell* and others of this province of **Kesteven**; which was also exemplified under the great Seal. In pursuance whereof there were ten Crosses erected in several places, for metes and divisions of them. But within the space of two years following, they were all thrown down again, and the stones carried away by the men of **Kesteven**. Whereupon a Commission * was granted, and sate, at **Donington** on *Thursday* next after S. *Matthew's* day, in 17 *R.* 2. by *Robert* Lord *Willughby*, and others, to make enquiry, and to punish the offenders; sundry whereof were therefore hang'd, some banished, and some fined in great sums; and command given for erecting new Crosses of stone at the chardge of these men of **Kesteven**.

[m] Ex Chron. de Croyland, compositis temp. H. 7.

* Vide Par. 17. R. 2. p. 2. m. 5. in dorso.

In 10 *H.* 4. *John* Earl of **Somerset** (brother to the King) *Will.* Lord *Roos*, *Robert de Tame*, *John de Holand de Welysthorpe*, with others, were constituted [n] Commissioners for the view and repair of all the Banks, Ditches *&c.* both upon the seacoast and elsewhere within this province of **Kesteven**; and to proceed therein according to the law and custome of the Marsh, there before that time used, and the law and custome of this Realm.

[n] Pat. 10. H. 4. p. 1. m. 13. in dorso.

In 7 *H.* 5. there was a Presentment exhibited against the town of **Bynne**, [o] with the hamlets of **Dyke** and **Calthorp**; and against the Town of **Boyton** and **Hermethorpe**, for turning the fresh waters towards the North, which ought to run Eastwards into the Sea.

[o] Plac. coram Rege Term. Mich. 7. H. 5. Rot. 34. Linc. Vide etiam Plac. de term. Pasch. 8. H. 5. Rot. 14. Et de term. Trin. 8. H. 5 R. 10.

But notwithstanding the boundaries betwixt these Provinces of **Kesteven** and **Holand** so set forth, as hath been said; I find, that *Margaret* Countess of **Richmund** and **Derby**, being Lady of **Deping**, in 16 *H.* 7. did then procure a new Commission, directed unto *Robert* Lord *Willoughby*, *Thomas* Lord *Rosse*, *Thomas* Lord *Fitzwalter*, *George* Lord *Hastings*, *John* Lord *Fitz Warren*, Sir *Robert Dimock*, Sir *George Taylboys*, *Edward Stanley*, *Christopher Willoughby* and *Reginald Bury* Knights, to hear and determine the controversy between the Inhabitants of the parts aforesaid. Which was accordingly done by these Jurors; *viz.* Sir *Robert Hussey* Knight, Sir *John Digby* Knight, Sir *John Thimelby* Knight, *Thomas Dimock*, *Richard Thimelby*, *Richard Harington*, *Will. Ermine*, *Will. Mounson*, *John Bussy*, *George Asshby*, *Robert Tirwhit*, *Richard Cecill*, *John Boille*, *William Fitzwilliam*, *John Folkingham*, *Will. Leigh*, *Thomas Desney*, *Richard Grantham*, *Edward Askew*, *George Mackworth*, *Thomas Billesby*, *Will. Thorold*, *Will. Enderby*, and *John Walcot* Esquires.

Cap. XLIII.

HAving now done with what concerns the Province of **Kesteven** alone, I come to it and **Holand** joyntly: whereof the first mention that I have met with, is of the [a] afforestation made by King *Henry* the first in these parts; which continued not long: for it appears, that King *Richard* the first, about the beginning of his reign, by his Charter to the Monastery of **Spalding**, of the Towns of **Spalding** and **Pinchebec**, with the lands, waters, and Marshes to them belonging; did acquit the Inhabitants of those places, from all duties belonging to the Forest; as also of Harts and

[a] Clauſ. 18. R. 2. m. 33.

and Hindes, with all other wild beaſts: and of all Foreſt Cuſtomes and exactions, which had uſed to be there done or required; ſo that no Foreſter or any other might thereupon vex or diſquiet them. And moreover gave them Licenſe [c] to make Banks and Ditches to incloſe their Lands and Marſhes; as alſo to build Houſes and exerciſe tillage, as they themſelves ſhould think fit, within theſe particular metes and bounds; *viz.* betwixt the river of **Wailand** and **Chelebeche**, in length: and from **Widen dic** (which is the diviſion betwixt theſe two Provinces of **Keſteven** and **Holand**) and **Gudnameſend**, which is the boundary, as far as **Saltene**, in bredth; and **Halmaneſpade**, as the ſaid river of **Wailand**, coming from **Crouland**, deſcendeth to the Sea.

From this deafforeſtation abovementioned, I ſhall deſcend to King *Henry* the third's reign; in whoſe time I find, * that there was a Precept directed to the Shireeve touching the partition of **Hauthuntre-Fen**, by the conſent of thoſe that had right therein: whereby the ſaid King gave ſpecial command, that each Town might have their due proportion thereof aſſigned to them: but, in the firſt place, that a Perambulation ſhould be made, by the Oath of *xij.* lawful and diſcreet Knights, betwixt it and the Fen, called **Fenting fen**; *viz.* in length from the Town of **Swineſhed** to a little rivulet, called **Barkelmere**; and ſo from the Marſh of **Stevening**, as **Barkelmere** goeth betwixt the ſaid Fen, called **Hauthundreſen**, and the Marſh of **Hale**, unto the river of **Kime**: and ſo in length by the ſaid river of **Kime**, to **Dockesdike**; and from thence by the water **Wuna**, to certain land of **Boſton**. And that ſo ſoon as the ſaid Perambulation ſhould be thus accompliſht, then to make partition of the before mentioned Fen, by the Oaths of thoſe Knights, in ſuch ſort as each Town might have an aſſignation of their particular ſhare, to diſpoſe and make improvement of the ſame, according to their own beſt liking.

* Clauſ. 25. H. 3. m. 10. in dorſo.

After this, *viz.* in 44 *H.* 3. the King then directing his Precept [d] to the Shireeve of this County; whereby, taking notice that not only the Landholders in thoſe parts, but himſelf had ſuffered ineſtimable damage, by the overflowing of the Sea, and likewiſe of the freſh waters, through the default in repair of the Banks, Ditches, Gutters, Bridges, and Sewers, in the lands which lately belonged to *William Longeſpe*, in theſe parts of **Keſteven** and **Holand**; he commanded the ſaid Shireeve forthwith to diſtrain all ſuch Landholders, who had ſafeguard by thoſe Banks and Ditches, and ought to repair them, according to the proportion of their lands; to the end that they might be ſpeedily repaired, in ſuch ſort as they ought and had uſed to be.

d Clauſ. 44. H. 3. in dorſo. m. 16.

And in 23 *E.* 1. *Adam* de *Crokedayk* and *W. Inge* were conſtituted [e] Commiſſioners to view the Banks, Ditches and Sewers in theſe Provinces; and to ſee that the currents of freſh waters in the Marſhes thereof, might have their due and antient paſſages, as they had wont to have.

e Par. 23. E. 1. m. 15. in dorſo.

In 9 *E.* 2. *Lambert de Trekyngham*, *Roger de Coppeldyk*, and *Robert de Malberthorp*, being then conſtituted [f] the King's Juſtices of Sewers for theſe parts, ſat at **Boſton** upon the *Tueſday* next after the feaſt of the *Exaltation of the holy Croſs*, there to make enquiry, by the Oaths of good and lawful men, what perſons of this County of **Lincolne** had uſed to repair and maintain the Banks, Ditches, Gutters, and Sewers, within the fens of **Keſteven** and **Holand**, and other places thereabouts; as alſo the floudgates, by which the freſh waters that had uſed to run from the parts of **Keſteven** into the ſaid Fens, were hindred from ſo doing: and by whom the ſaid waters were turned out of their right and due courſes; as alſo in what ſort. Whereupon Sir *Will. d'Autre* Knight, *John de Holand*, and ſeveral other perſons of quality, being ſworn, did [g] upon their Oaths preſent.

f Ex Regiſt. d. Croyland penes Joh. Oldfeild arm. f. 46. a.

That the Town of **Donington** ought and had uſed to repair the Cauſey of **Holand**, with little Bridges and Ditches on each part of the ſame, from the ſaid Town of **Donington** to the new Ditch: And from the ſaid Ditch unto the Chapel of S. *Saviours*, the Prior of S. *Saviours* to perform the like repair; there being at that time great defects in thoſe Bridges and Ditches. 1.

And they alſo ſaid, that the Town of **Donyngton** ought and had uſed to repair 2.

Keſteven and Holand.

pair the Sewer of **Scathegrafte**, **Swyneman dam**, and **Swane lade**, in bredth *xvi.* foot; and of ſuch depth as that the water rnnning to the river of **Byker**, and ſo to the Sea, were not hindred. Which Sewer ought to be open from the firſt day of *March* until the feaſt of S. *Martin* in Winter; and ſo likewiſe from the ſaid feaſt of S. *Martin* until the firſt day of *March*, except ſo great an inundation from the Sea ſhould then happen, as that the ſaid Sewer would not be ſufficient; but that the Province of **Holand** would be drowned: In caſe of which inundation, that then it might be lawful for the ſaid Town of **Donyngton** to ſtop thoſe Sewers, and preſently upon the fall of the water to open them again. Which ſaid Sewers were then obſtructed through the default of the ſaid Town of **Donyngton**, that ought to have ſcoured the ſame.

3. And the ſaid Juros farther ſaid, that the Town of **Byker** ought to repair and clenſe the ſaid Chanel, from **Bondſtake** to **Quadyng** to the bredth of *xxiiii.* foot: and that the Town of **Quadyng**, with the Commoners belonging thereto, ought to ſcoure and repair the ſaid Chanel unto **Gosbirkirk**, of the ſame bredth: And that the Town of **Gosberkirk**, ought to do the like, from thence to the Sea; to the intent that the freſh waters might not be hindered by the ſaid Chanels and Sewers. And they ſaid that the ſtream of **Byker** was then obſtructed from **Bondſtake** to the Sea, through the default of the towns of **Donyngton** and **Quadyng**, and the Commoners of **Gosberkyrk**, who ought to have clenſed the ſame.

4. And they ſaid moreover, that the Chanel of **Byker**, where the Dam was, ought to be open throughout the whole year: but that it would be more expedient, that the town of **Byker**, for the particular commodity thereof, and for the benefit of the whole Countrey, ſhould make a certain Clow, with two Dores, each of four foot in bredth; which Clow to be always open, excepting in the time of mighty floods from the Sea.

5. And they alſo ſaid, that the Gutters and Sewers in **Quadyng** were then obſtructed by the town of **Quadyng**, and the Commoners thereof; and that it ought to be in bredth *xvi.* foot; and of ſuch depth, that the current of the water might not be hindred; as alſo, that it ought to be clenſed and repaired by the ſaid town, and the Commoners.

And that the Sewer of **Gosberkyrk**, called **Riſgate Ees**; and the Sluſe betwixt the Fen and the Sewer, which ought to lye open all the year, as **Scathegrafte** and **Swanelade** uſed to do, were then ſtopped by the Abbot of **Peterborough** and town of **Gosberkyrk**: and that the town of **Gosberkyrk**, with the Commoners, ought to clenſe, repair, and amend the ſaid Sewer, Gutters and Sluſe, in ſuch places where it had antiently wont to be, *viz.* through the midſt of the Fen belonging to that Abby. 6.

And they ſaid likewiſe that the Sewer of the **Beche**, which ought to be repaired and clenſed by the towns of **Gosberkyrk**, **Hynſebek** and **Surflete**, from the Fen unto **Surflete**, and thence to the Sea, was obſtructed through the default of thoſe Towns: and that one *Richard de Hodell* had raiſed a Bank in the courſe of the ſaid Sewer, by which the paſſage of the water was hindred. 7.

And they farther ſaid, that the Sewer of **Bigefleet**, was obſtructed by the Town of **Hekyngton**; and that it ought to be clenſed and repaired by that Town, unto the river at **Swyneſheved**, the Chanel there being ſufficient to carry the water down to **Kyme mouth Ee**; where it was then ſtopt by *Philip de Kyme* to the great damage of the Country. 8.

And that the Sewer, called the **Encluſe**, neer **Boſton**, ought to run at all times of the year; and that it was ſtopped every Winter by the men of **Boſton**, at the Weſt end of the Bridge; as alſo, that it ought to be three foot in bredth. And that it ought to be repaired and maintained at the VVeſt end of the ſaid Bridge, by the Inhabitants of **Boſton**.

And they likewiſe preſented, that the Sewer, called **Hamondebek**, on the South ſide of **Boſton**, was alſo obſtructed by the Inhabitants of that Town, on the Weſt part of the ſaid Bridge, and by the Inhabitants of **Skybek**: And 9.

that

that it ought to be repaired, cleanſed, and maintained by the ſaid Inhabitants of **Boſton** and **Skyrbek**, in conſideration whereof, the ſaid men of **Boſton**, living at the Weſt end of the ſaid Bridge, ought to common in the Marſh of the eight Hundreds: and that the ſaid Sewer ought to run at all times in the year.

10. And they ſaid moreover, that the men of the eight Hundreds ought to cleanſe the Chanel of **Swyneſheved**, from **Blalberdeboche** unto the North part of **Swineſheved** Town: and that the ſaid Town of **Swyneſheved** ought to ſcour the ſame Chanel from thence unto the ſtream of **Byker**.

11. And that the Towns of **Iwardeby** and **Onſthorpe** ought to repair and maintain the South ſide of the water, which runneth from **Happeltreneſſe** to **Kyme**; and that it was then in decay, through the neglect of the Prior of **Haverholme**, who ought to repair a great part thereof, and refuſed ſo to do.

12. And they farther ſaid, that *Philip de Kyme*, who ought upon his own ground, to repair a certain part of that ſide, at the **Wathe mouthe**, did fail in doing thereof; and ſo through the default of the ſaid Prior and *Philip*, the whole Marſh of **Keſteven** and **Holand** was overflowen and drowned, to the deſtruction of all thoſe Countries. And that the ſaid *Philip* did divert the courſe of that water, to the great prejudice of the Country, and eſpecially of the Prior of **Kyme**.

13. And they likewiſe ſaid, that the Prior of **Haverholme** ought to find a certain boat at the **Bothe**, neer to the **Wathe mouthe**, for to carry over foot-folk, aſwell by night as day, whenſoever any one ſhould paſs that way; and that he did neglect ſo to do, to the great damage of ſuch people that had occaſion to paſs that way: And they ſaid that the ſaid water, was the publick paſſage for all the Kings liege people from **Keſteven** to the river of **Wythum**.

14. And they ſaid moreover, that the Chanel called the **Old hee**, between the Marſh of **Holand** and the Marſhes of **Hekyngton** and **Kyme**, ought to be repaired and cleanſed by the men of the eight Hundreds of **Holand**, on the Eaſt part; and by *Henry de Beaumont* or the Lord of **Hekyngton** and Commoners of that Town: And on the Weſt part, by *Philip de Kyme*, from **Blalberde-bothe** to the water of **Kyme**; and that it was there obſtructed by *Philip de Kyme*. **Keſteve and Holand.**

15. And they alſo ſaid, that the Town of great **Hale**, with the Commoners there, ought to repair and maintain a certain Cauſey, from **Gerwyk** to **Pyngelhyme**, both for Foot and Horſe-men: And that the beforeſpecified Town of **Hekyngton**, with **Gerwyk**, ought to cleanſe and repair the Chanel of **Gerwyk**, unto the water of **Swyneſheved**; that is to ſay, unto **Blalberbothe**, and that it was not cleanſed: but the midſt of the ſaid Chanel, next to the Park, on the Southpart, the parſon of **Hale** ought to repair.

16. And they likewiſe ſaid, that **Burton bigg** was the Kings high way; and that the one half thereof ought to be repaired and maintained by the Town of **Burton**, together with the Cauſey on the North part thereof: and the other half by the Town of **Helpyngham**, with the Cauſey on the Southſide thereof, ſo that both Foot and Horſe men might ſafely paſs to and fro that way, at all ſeaſons of the year: and that it was then in decay.

17. And they farther ſaid, that **Care dyke** was a certain ſtream, which was called the **South Ee**, and that it extended to **Byker** Fen: As alſo that it ought to be cleanſed and repaired by the Town of Little **Hale** and the Commoners thereof, on the one part; and the Towns of **Helpyngham** and **Byker**, to **Gobhenbothe** on the other part.

18. And they ſaid, that **Hachelade** was a Common Sewer, and that it ought to run at the ſame ſeaſons as the Sewer of **Scathegrafte** did; but was then obſtructed by the Prior of **Spalding**: and that it ought to be at the entrance of the water from the Marſh of the bredth of one foot, and in depth as much; and within, through the Town, no leſs than ſix foot broad, till it came to the Sea: and that it ought to be repaired by the Town of **Pynſebek**, to the Sea.

19. Alſo they ſaid, that **Baſton Ee** ought to be repaired and cleanſed by the

Kesteven and Holand.

pair the Sewer of **Scathegrafte**, **Swyneman dam**, and **Swane lade**, in bredth *xvi.* foot; and of ſuch depth as that the water running to the river of **Byker**, and ſo to the Sea, were not hindred. Which Sewer ought to be open from the firſt day of *March* until the feaſt of S. *Martin* in Winter; and ſo likewiſe from the ſaid feaſt of S. *Martin* until the firſt day of *March*, except ſo great an inundation from the Sea ſhould then happen, as that the ſaid Sewer would not be ſufficient; but that the Province of **Holand** would be drowned: In caſe of which inundation, that then it might be lawful for the ſaid Town of **Donyngton** to ſtop thoſe Sewers, and preſently upon the fall of the water to open them again. Which ſaid Sewers were then obſtructed through the default of the ſaid Town of **Donyngton**, that ought to have ſcoured the ſame.

3. And the ſaid Juros farther ſaid, that the Town of **Byker** ought to repair and clenſe the ſaid Chanel, from **Bondſtake** to **Quadyng** to the bredth of *xxiiii.* foot: and that the Town of **Quadyng**, with the Commoners belonging thereto, ought to ſcoure and repair the ſaid Chanel unto **Gosbirkirk**, of the ſame bredth: And that the Town of **Gosberkirk**, ought to do the like, from thence to the Sea; to the intent that the freſh waters might not be hindered by the ſaid Chanels and Sewers. And they ſaid that the ſtream of **Byker** was then obſtructed from **Bondſtake** to the Sea, through the default of the towns of **Donyngton** and **Quadyng**, and the Commoners of **Gosberkyrk**, who ought to have clenſed the ſame.

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5. And they alſo ſaid, that the Gutters and Sewers in **Quadyng** were then obſtructed by the town of **Quadyng**, and the Commoners thereof; and that it ought to be in bredth *xvi.* foot; and of ſuch depth, that the current of the water might not be hindred; as alſo, that it ought to be clenſed and repaired by the ſaid town, and the Commoners.

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that

that it ought to be repaired, clenſed, and maintained by the ſaid Inhabitants of **Boſton** and **Skyrbek**, in conſideration whereof, the ſaid men of **Boſton**, living at the Weſt end of the ſaid Bridge, ought to common in the Marſh of the eight Hundreds: and that the ſaid Sewer ought to run at all times in the year.

10. And they ſaid moreover, that the men of the eight Hundreds ought to clenſe the Chanel of **Swyneſheved**, from **Blalberdeboche** unto the North part of **Swineſheved** Town: and that the ſaid Town of **Swyneſheved** ought to ſcour the ſame Chanel from thence unto the ſtream of **Byker**.

11. And that the Towns of **Iwardeby** and **Onſthorpe** ought to repair and maintain the South ſide of the water, which runneth from **Happeltreneſſe** to **Kyme**; and that it was then in decay, through the neglect of the Prior of **Haverholme**, who ought to repair a great part thereof, and refuſed ſo to do.

12. And they farther ſaid, that *Philip de Kyme*, who ought upon his own ground, to repair a certain part of that ſide, at the **Wathe mouthe**, did fail in doing thereof; and ſo through the default of the ſaid Prior and *Philip*, the whole Marſh of **Keſteven** and **Holand** was overflowen and drowned, to the deſtruction of all thoſe Countries. And that the ſaid *Philip* did divert the courſe of that water, to the great prejudice of the Country, and eſpecially of the Prior of **Kyme**.

13. And they likewiſe ſaid, that the Prior of **Haverholme** ought to find a certain boat at the **Bothe**, neer to the **Wathe mouthe**, for to carry over foot-folk, aſwell by night as day, whenſoever any one ſhould paſs that way; and that he did neglect ſo to do, to the great damage of ſuch people that had occaſion to paſs that way: And they ſaid that the ſaid water, was the publick paſſage for all the Kings liege people from **Keſteven** to the river of **Wythum**.

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15. And they alſo ſaid, that the Town of great **Hale**, with the Commoners there, ought to repair and maintain a certain Cauſey, from **Gerwyk** to **Pyngelhyme**, both for Foot and Horſe-men: And that the beforeſpecified Town of **Hekyngton**, with **Gerwyk**, ought to clenſe and repair the Chanel of **Gerwyk**, unto the water of **Swyneſheved**; that is to ſay, unto **Blalberbothe**, and that it was not clenſed: but the midſt of the ſaid Chanel, next to the Park, on the Southpart, the parſon of **Hale** ought to repair.

16. And they likewiſe ſaid, that **Burton bigg** was the Kings high way; and that the one half thereof ought to be repaired and maintained by the Town of **Burton**, together with the Cauſey on the North part thereof: and the other half by the Town of **Helpyngham**, with the Cauſey on the Southſide thereof, ſo that both Foot and Horſe men might ſafely paſs to and fro that way, at all ſeaſons of the year: and that it was then in decay.

17. And they farther ſaid, that **Care dyke** was a certain ſtream, which was called the **South Ee**, and that it extended to **Byker** Fen: As alſo that it ought to be clenſed and repaired by the Town of Little **Hale** and the Commoners thereof, on the one part; and the Towns of **Helpyngham** and **Byker**, to **Gobhenbothe** on the other part.

18. And they ſaid, that **Hachelade** was a Common Sewer, and that it ought to run at the ſame ſeaſons as the Sewer of **Scathegrafte** did; but was then obſtructed by the Prior of **Spalding**: and that it ought to be at the entrance of the water from the Marſh of the bredth of one foot, and in depth as much; and within, through the Town, no leſs than ſix foot broad, till it came to the Sea: and that it ought to be repaired by the Town of **Pynſebek**, to the Sea.

19. Alſo they ſaid, that **Baſton Ee** ought to be repaired and clenſed by the

Kesteven and Holand.

Towns of Baston, Thurleby, Obthorpe, and Wyweleſthorpe, from Catebrygg to Eſtcote, by raiſing of the Banks higher, and cleanſing the ſame on each part: and from Eſtcote by the Town of Pynſebek, to the Town of Surflete: and thence to the Sea, by the ſaid Town of Surflete. Which Banks did then ſtand in great need of repair, and raiſing.

20. And they ſaid moreover, that Burne Ald Ee ought to be repaired, raiſed, cleanſed, and maintained by the Town of Burne and the Abbot of Burne, from Brunne to Goderameſcote: and that from thence, the Town of Pynſebek ought to repair the ſame to Surflete; and the Town of Surflete from thence to the Sea; and that through the defect thereof, the whole Marſh of Keſteven and Holand was drowned.

21. And they laſtly preſented, that Bolleſgate of Multon was a Common Sewer, and obſtructed by the Town of Multon: and that the trough called the Gote was carried away by the ſaid Town.

In 18 E. 2. there was an Inquiſition * taken at Thetford, upon *Monday* being the Eve of S. *Barnabas* the Apoſtle, before *will. de Fareford* and *will. de la Launde* then Juſtices of Sewers, for the view and repair of the Banks, Ditches &c. in theſe parts of Keſtevene and Holand. Where the Jurors preſented upon their Oaths, that all the Ditches and Banks from Katebrigg in Keſteven unto the Sea in Holand, were broken on each ſide; and did then ſtand in need of repair; that is to ſay, to be raiſed higher by two foot, and thicker by *xij.* foot. And that the Towns of Thurleby, Obthorpe, and Sylthorpe, lying on the North ſide of Catebrigge, unto the Croſs neer Abbotescote, ought at their own proper chardges to repair, dig, and cleanſe them: And from the ſaid Croſs to Abbotescot, on that ſide, the Town of Brunne: and that the ſaid Town of Brunne had in that place, ſtraitned the Chanel, which ought to be made wider by *xij.* foot.

* Ibid. f. 47. b. Et ex Regiſt. de Spalding penes præf. *Joh. Oldfeild*, Arm. f. 265. a.

22. And they ſaid, that all the Corners in the Marwe hee, whereby the courſe of the water was hindred, from the Town of Brunne to Eſtcote, ought to be taken down. And that all the Trenches, drawing any water from the ſaid Chanel ought to be ſtopped up, when occaſion ſhould require. And that the Banks of the river of Brunne ought to be enlarged, from Levebrigg in Brunne unto Tollon, and be made two foot higher than they were at that time, and *xij.* foot in thickneſs. And likewiſe, that the ſaid Town of Brunne ought to cleanſe the Marwe hee from Brunne to Godram crofte, as need ſhould be.

23. And they farther ſaid, that the Towns of Baſton and Langtoft, ought to repair the Banks, from Catebrigg to the Eſtcote, two foot in height, and *xij.* foot in thickneſs, on the Southſide. And that the Town of Pincebec ought to make the Banks from Eſtcot to Godramcote, on the ſame ſide: And from thence to the Houſe of *Richard Nye* of Serflet, the ſaid Town of Pyncebec, to do the like on both ſides: And thence to the Sea, the Town of Surflet on both ſides alſo.

24. And they likewiſe ſaid, that the Chanel of Hirnyngbrigge in Pyncbek, to the Sea, was too narrow; and that the watercourſe there, ought to be *xxiiii.* foot in bredth at the leaſt; and to be repaired and enlarged from Hirnyngbrigge to the Houſe of *Richard Nye*, by the Town of Pyncebek; and from thence to the Sea by the Town of Surflet.

25. And that every Bridge over the river of Brunne be *xiiii.* foot in bredth. And that a Sluſe be made at Capon-brigg, in bredth *xij.* foot, at the chardges of Surflet and others receiving the profits thereof: as alſo that the ſaid waters be kept within their Chanels.

26. And they ſaid, that the Cauſey betwixt Spalding and Crouland, was a Common road way, and not repaired, through the neglect of the Abbot and Town of Crouland; that is to ſay from the Clot unto Crouland.

27. And they likewiſe ſaid, that it would be neceſſary to have two Sluſes at the Kne dyke and Halunleen dee, which were the Common Sewers of the whole Fen betwixt Deping and Spalding; whereof each to be ten foot in bredth; and to be made at the chardges of all thoſe which had common in the ſaid Marſh. And they ſaid moreover, that the

the great Bridge at **Spaldyng** was then broken; and ought to be repaired by the whole Town of **Spaldyng**: and that the ferm of the paſſage at **Pekkebrigg** ſhould be beſtowed on that Bridge, by the Warden thereof.

7. And they ſaid, that the King's high way, called **Hoyland brigg**, was a Cauſey betwixt theſe Provinces of **Holand** and **Keſteven**, and then out of repair, through the default of the Town of **Donyngton**; *viz.* from that Town to **Newken dyke**; and from thence to S. *Saviours* by the Prior of that Monaſtery.

8. And they alſo ſaid, that the Town of **Dunnesby** had obſtructed a certain Sewer, called the **Sond**, to the damage of the adjacent Towns: And that the town of **Hacumby** had ſtopped another Sewer, called the **Fenbrigg**.

9. And they ſaid, that whenſoever the Chanel, called **Baſton Ee** was to be clenſed, it ought to be cut at **Meuhalle**. And that the ſame Chanel, and **Catebrigge** to **Eſtcote** ought to be digg'd and cut as it antiently uſed to be.

10. And they ſaid, that the Prior of S. *Saviours*, did ſuffer ten Bridges, at **Holand** Bridge, to go to ruine, to the damage of the whole Country; and that the ſaid Prior ought to repair them.

And that the Town of **Donyngton** ought to clenſe and ſcoure the Sewers of **Stakesgraft**, **Swynman dam** and **Swanelond**, ſo that the current of the water might not be hindred frō the fen to the Chanel which carrieth it to the Sea.

11. And they ſaid, that there was great neceſſity of a good Bank for preſervation of the Fen betwixt **Deping** and **Spalding**, from the Houſe of *John* the Son of *Simon* of **Spalding** to **Wodelode**; to be made at the chardge of the Prior and Town of **Spalding**; ſo that each acre might be taxed alike: and that no Hoggs might come neer that Bank, nor any defenſible Banks, in any place of **Holand**, nor the Sewers therein, by the ſpace of half a mile.

12. And they laſtly ſaid, that all the beforeſpecified Ordinances, were for the common benefit of the ſaid Towns in **Keſteven** and **Holand**: and that every Acre ought to be aſſeſſed alike in all taxes and coſts, for the neceſſary repair of the ſaid Gutters, Sewers, Banks, and Bridges.

In 25 *E.* 3. there was a Petition[h] exhibited to the King, and his Counſel in Parliament, by thoſe of theſe Provinces of **Keſteven** and **Holand**, who reſided in the Fenns; ſhewing, that whereas the antient boundary called **Widen dike**, and other metes, which go through the ſaid Fenns, from the river of **Weland** to the ſtream of **Withum**, which had wont to be the old limits betwixt theſe two Provinces (as by certain Croſſes of ſtone, then continuing was very evident) were at that time, by reaſon of floods and other impediments, ſo obſcured, that no certain knowledge could be thereof; inſomuch as great controverſies and debates were occaſioned betwixt the Inhabitants in thoſe parts, upon execution of the Kings Writs, and otherwiſe; the ſaid King did therefore aſſign [i] *Saier de Rocheford*, *Alexander Aunſell*, *Simon Simeon*, *Will. de Skipwith*, *Thomas de Sibthorpe*, and *Thomas de Levelance*, to take view of the ſaid boundaries; and to diſtrain all ſuch perſons for the ſcouring and clenſing the ſame, who ought to have performed that work.

Keſteven and Holand.

[h] Pat. 25. E. 3. p. 1. m. 23. in dorſo.

After this, divers years; *viz.* in 41 *E.* 3. *Godfrey Fuljaumbe*, *Simon Simeon*, *Walter de Campeden*, and others, were appointed to view and repair the Banks, Sewers, and Ditches, from **Bardney** ferry to **Catebrig**, within the Province of **Keſteven**; and within the Wapentak of **Ellowe**, in the parts of **Holand**.

Upon a pleading[k] in 3. *H.* 4. I find, that on *will. wyting* of **Deping** was pardoned for the breaking down of two Croſſes, which had been ſet up betwixt theſe Provinces of **Keſteven** and **Holand**, by five of the Kings Juſtices upon the ſaid King's appointment.

[k] Plac. coram Rege term. *Mich.* 3 H. 4. rot. 8. *Linc.*

In 3 *H.* 5. *Thomas le Warre*, *Robert de Wylughby*, *Will. Lodingtone*, *Robert Hagbecche*, *Geffrey Lutterell*, *John Belle*, *John Henege*, and others, were conſtituted [l] Commiſſioners for the view and repair of the Banks, Ditches, and Sewers, in theſe parts of **Keſteven** and **Holand**, then in decay: with direction to proceed therein according to the law and cuſtome of this Realm, and the Cuſtome of **Romeney Marſh**: As alſo to take ſuch and ſo many workmen and Artificers, upon competent wages, as they ſhould think fit to be imployed in

[l] Pat. 3 H. 5. p. 1. m. 17. in dorſo.

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that work, in respect of the great necessity for expedition therein.

The like Commission in 5 *H.* 5. had *Thomas* Duke of *Clarence*, *Gilbert Umframvill*, *William Lodyngton*, *John Cokayn*, *James Strangways*, *Thomas de la Launde* and others: and to act therein according to the custome of the Marsh, and the law and custome of this Realm.

So also in 26 *H.* 6. had [m] *John* Viscount *Beaumont*, Sir *Robert Wylughby* Knight, Sir *Raphe Cromwell* Knight, Sir *Leo. Welles* Knight, *Nich. Dixon* Clerk, *Thomas Merys* and others; with direction to make Laws and Ordinances therein, consonant to the Laws and Customs of **Romeney marshe**; and to hear and determine of all things touching the same, according to the Law and custome of the said Marsh: As also to impreſt Ditchers and other Labourers; upon competent salaries, and to imploy them in the said work, as long as there should be occasion so to do, in regard of the great and imminent danger, which might by delays accrue.

m Pat. 26. H. 6. p. 2. m. 23. in dorso.

In 7 *E.* 4. *Richard* Earl of **Warwick**, *Humfrey Bourchier*, Lord *Cromwell*, Sir *Henry Stafford* Knight, Sir *Thomas Burgh* Knight, *Oliver S. John* Esquire, *Will. Husee*, *Will. Coote*, and divers others, had the like Commission [n] for the view and repair of all the Banks and Sewers &c. from **Staunford** in this County to **Dodyngton Pigot**, and from thence throughout these two Provinces to the Sea &c.

n Pat. 7. E. 4. p. 1. m. 16. in dorso.

And in 34 *H.* 8. *Charles* D. of *Suff.* *Rob. Dymmoke*, *Tho. Heneage*, *John Copledyk*, *John Hussey* and *Rob. Tirwhit* Knights, *Edw. Dymoke*, *Ric. Themolby* (and others) Esquires then Commissioners of Sewers, in these parts, sitting at **Donington**, decreed; [o] that the Floudgate, or Sluse under **Boston** Bridge, should be repaired at the chardges of the Wapentakes of **Kyrton** and **Skirbek**, in **Holand**, for the one half; and the Wapentake of **Ellow** and Town of **Boston**, for the other half, to be performed before the Feast of *All Saints* then next coming; in as compleat a manner as it had been formerly done by *Margaret* Countess of **Richmund** and **Derby**.

o Ex vet. cartaceo MS. penès *Montagu* Comitem de Lindsey An. 1660.

Law of Sewers made at Donington 3. *Aug.* 34 *H.* 8.

Moreover, that two great Sewers, *xx.* foot wide, and 5. foot deep, should be made and digged in the divisions betwixt **Kesteven** and **Holand**; from the most Western point at **Gotheram coat** corner, neer the River of **Glen**, unto **Wragmere stake**; thence to the River of **Wythom** at **Langrake**, where then lay a certain Sluse in the said River; so as the said Sewer and Watercourses were not above *xxxvi.* foot one from the other, until they come to **Wragmere stake**; and that the menure should be cast betwixt the said Sewers, to raise a firm Bank: And from **Wragmere stake**, both Sewers to run in one Chanel, of *xxx.* foot broad, in a direct line (leaving the division of those Countries) to **Gilsyke**, to go wholy in the **Eight hundred Fen** of **Holand**. And that the said Sewers, from the River of **Glen** to **Wytham**, so intended from the South to the North, should fall into, enter, and go through all the loads and draynes in the Fenns aforesaid, which came out of the parts of **Kesteven** to **Hamond beck**, *alias* **Holand Fen dyke**; to the end, that all the water going together, might the better run, within its own Brinks and Chanels, and the sooner come to the Sluse at **Skirbek gote**, and the **new Gotes**, by that decree intended: And that those Sewers should be made in manner following, and in places hereafter named; *viz.* first from the said place called **Gotheramscote**, unto **Nestilholm** corner, by a right line on the outside of **Nestilholme** aforesaid, where the **Harth stede** is, and the limits divyding **Holand** and **Kesteven**; and that the said Sewer should come as neer to the corner aforesaid, as might be, so that it enterd not into the Dyke of **Nestilholm** aforesaid: And that the said Sewers should be made from the place to the place aforesaid, on the Westside, within the several Townships by the Inhabitants of **Burne** *cum membris*, **Moreton** *cum membris*, **Haconby** *cum membris*, **Dungby**, **Repingale**, **Ryngston**, **Kirkby**, **Dowsby**, **Graby**, **Aslackby**, **Mylthorpe**, and **Pointon**, in the parts of **Kesteven**: and in like sort on the East part, by the Inhabitants of **Spalding**, **Pynchbec**, **Surflet**, **Gosberkyke**, and **Quadring**, in the parts of **Holand**, by every of the Commoners in their own Precincts: And from the said place, called **Nestilholme Harthstede** and corner,

corner, to the Crosse on **Bygdyke**, by a right line (for so the limits thereof do lye) and that this should be also done on the West side, by the Inhabitants of **Poynton**, **Sempryngham**, **Billingborough** *cum membris*, and **Horblyng**, with **Byg-end**; and such as have Common there: And on the East side by the Inhabitants and Commoners of **Quadring**, and **Donington**, in their Precincts.

And from the said Crosse upon **Bygdyke**, by a direct line also, to **Wragmere stake**; because the limits between **Kesteven** and **Holand** do lye under the said line; the said said Sewer should be dyked and made on the West part, by the Inhabitants of **Swayton**, **Thorpe-Latymer**, **Helpryngham**, **Great Hale**, and **Little Hale**; every one in their own Precincts: And upon the East part by the Inhabitants of **Donyngton** and **Byker**, in their Townships.

And although it did then appear by two Preambulations; whereof one was in the *xiiij*th year of King *Richard* the second, and the other in the *xvi*th year of King *Henry* the seventh; that the boundaries dividing **Kesteven** and **Holand**, extended by a direct line through **Donyngton Inggs**, from thence; that is to say, from the Crosse on **Bygdyke** unto **Wragmere stake**; yet it was agreed, that these Sewers should be made, so as neither of them might reach into **Donyngton Inggs**, for fear of wasting their several grounds; but be set in the Fen as neer as conveniently and necessarily might be: And from the said place called **Wragmere stake**, then (leaving the metes and boundaries of the two Countries) the said Sewers to be joyned in one, and to be made of the bredth of *xxx* foot, and cut straight through the West-Causey, directly to **Gyl syke**, at **Langrake**, at the only chardge of the Inhabitants and Commoners in the **Eight hundred Fen** of **Holland**, and of **Skirbeck** quarter; and of the Township of **Boston** within the Wapentake of **Kirton**; and that the earth cast up in the said **Eight hundred Fen** aforesaid; *viz.* between **Wragmere stake** and **Langrake**, should be cast upon heaps, lest the water were hindred to fall into the Sewer aforesaid: All which to be done before the Feast of S. *Martin* the Bishop in VVinter, then next ensuing. **Kesteven and Holand.**

Likewise, that in the said place at **Langrake** aforesaid, in the bank of the said River, should be set up four new Floudgates or Sluses of Free stone, each of eight foot wide, for drayning of all the Fens aforesaid, at the costs and chardges of the Towns aforesaid in **Kesteven**, and of **Hekyngton**, **Kyme** and **Ewarby**, and they by equal portions and due rate to make two of them; and the aforenamed Towns, Commoners in the Fens North from the River of **Glen** in **Holland** side, unto the River of **Wytham**, to make the other two, by equal portions; and that a rate and proportion should be made in both the said parts, upon every Town, by the said Commissioners, or any six of them, before the Feast of S^t. *Bartholmew* then next also ensuing.

And lastly, that a drayn of *xvi* foot in bredth, and in depth four foot, should be made in the **Law fen**, from a place called **West banke**, *alias* **Holland dyke**; overthwart the Hyrn, unto **Langrake** aforesaid; that all the waters, falling from the parts of **Kesteven** into the said Fens, might the more easily be brought to run to the Gotes aforesaid, so to be made as was set forth at **Langrake** aforesaid; and that the same Sewer should be made at the equal chardges of both Countries, by the Inhabitants and Possessors of the Towns before remembred: And likewise, that for all the said chardges so severally to be born in the parts of **Kesteven**, the rate and portion set upon every Township, should be laid according to the manner of laying the *xv*th granted to the King: And for all the Towns in the parts of **Holland**, to be done according to the Custome of like payments rated thereabouts: And that all this should be done before the Feast of *S. James* the Apostle, then next ensuing, upon pain of *xx* l. to be levyed upon every Township, to the King's use, if they should presume to offend in that case.

After this, *viz.* in 1 *Jac.* *Thomas Lovell* Esquire, represented [p] to the King, then sitting in Parliament, that forasmuch as for drayning of the Fenns called **Deping**, **Spalding**, and **Pinchebeck**, South Fens; **Thurleby** Fen, **Bourne** South Fen, and **Crouland** Fen (*alias*

[p] Rot. Parl. 1. *Jac.* n. 15. Inter Acta privata per Breve de certiorare remota.

Kesteven and Holand.

Gogisland Fen) in the County of Lincolne, humble Petition had been made by the Inhabitants of Deping, and other Towns adjoyning, being Commoners in the said Fens, unto the Lords of the privy Council to the late Queen *Elizabeth*, expressing the great decay of the said Town, and Inhabitants there, with the benefit, which by the laying of them dry, should redound to the said Queen and her whole Realm. And that the said Lords having consulted with the said Queens learned Council, about the manner and means of effecting thereof: and being, by their directions, by Writs of *Ad quod Dampnum*, and Inquisitions of Jurors, thereabouts inhabiting, duly taken and certified, and returned into the Chancery, and there remaining of Record, informed of the truth of the said Petitions, and of the great benefit, both to the said Queen, by the saving of a great yearly chardge, about the repair and amending of the Banks invironing the said Fens, for defence against the Rivers of Welland and Glene, running on both sides, and clean above the soyl thereof: as also, that the same was no ways prejudicial, either to the Navigation, or to the Common-wealth *&c.* did direct their Letters to the Commissioners of Sewers in the said County *&c.* requiring them to take care thereof, and according to the Laws of Sewers, to see the same effected; commending likewise unto them (as by the said Petition they were required) *Thomas Lovell* Esquire, a man skilfull in like works, wherein he had been beyond the Seas much used and imployed, as one fit and much desired by the said Inhabitants, to undertake the drayning of the said Fens.

Whereupon the said Commissioners of Sewers *&c.* did make and establish certain Laws *&c. viz.* at Bome the xx^th^ of *Aug.* 41 *Eliz.* And at Market Deping xx *Sept.* 41 *Eliz.* and lastly at Market Deping xxx *Aug.* 42 *Eliz.* by *Tho.* Lord *Burghley*, *Edw. Heron* Sergeant at Law, *Robert Wingfeld*, *Richard Ogle*, *Anth. Ireby*, *John Wingfield*, *Henry Hall*, *Tho. Lovell*, *William Rigden*, *Tho. Lambert*, *William Lacy*, *Edm. Mounsteven*, *Leonard Bautre*, *Mathew Robinson*, *Tho. Ogle*, and *Robert Audley* Esquires, Commissioners of Sewers.

By which Laws it was decreed, that the said *Tho. Lovell* should undertake the drayning of the said Fens above-mentioned, *viz.* at the costs and chardges of the said *Thomas*, his Heirs and Assigns, within five years, from the xx^th^ of *Aug.* in the said xli^th^ year. And he to be chardged with the Banks compassing the said Fens; with the diking, scouring, and roding of both the said Rivers *&c.* with Bridges, Stakers, Drayns, and other things, by the said Laws imposed.

And that he the said *Thomas*, in consideration thereof, should have a full third part of all the said Fens, to be laid out by metes and bounds, by certain men thereunto appointed, under such conditions *&c.* for the drayning of the other two parts *&c.*

And whereas the said *Thomas*, by virtue *&c.* of the said Laws, had taken upon him the chardge of the said drayning, *&c.* and therein spent his whole estate, to the value of twelve thousand pounds and more: and yet by reason of certain questions wilfully stirred *&c.* between the Counties of Kesteven and Holand, about the metes and bounds of the said Countries, lying in the said Fens, whereby not only the said *Thomas* could not have his said third part allotted and set out unto him, according to the time and manner set down in the said Laws *&c.*

And whereas for the deciding those controversies, there was the 8th of *April*, in *xliiij Eliz.* a solemn meeting of many Knights and Gentlemen, strangers to both the said Countries; who did not only set down and determine the cause of the said bounds; but did also set out and assign the said third part belonging to the said *Thomas Lovell*; as by the Laws *&c.* made at Spalding aforesaid, the day and year aforesaid, by Sir *Henry North* Knight, Sir *John Bolles* Knight, *Valentine Browne*, *Henry Warner*, *Robert Bevill*, *Robert Wingfeld*, *Anthony Ireby*, *Rob. Cotton*, *Richard Coxe*, *Robert Fetherell*, and *John S. George*, appeareth. According to which division, the same was, by men skilfull in surveying, divided and set out.

Since which there hath been divers Conferences and Agreements, for two several Drove-ways through the said third part, which was lastly set down, by way

way of Laws of Sewers 17th of *March* 45 *Eliz.* by *Tho.* Lord *Burlegh*, *Edw. Heron &c.* Commiſſioners of Sewers, with allowance to the ſaid *Tho. Lovell* of as much ground out of the ſaid Fenns, as the ſaid Drove-ways contain: which, together with the reſt, making up a full third part, was by metes and bounds aſſigned to the ſaid *Tho. Lovell*, and which he begun to encloſe, but could not perfect the ſame, in regard of the unſeaſonableneſſe of the times, and riotous lets and diſturbances of lewd people, caſting down his Banks *&c.*

[c] Ibid. It was therefore enacted [c], that the ſaid *Thomas*, his Heirs and Aſſigns, ſhould for ever enjoy the ſame third part ſo ſet out *&c.* upon condition, that if he did not fully perfect the ſaid drayning within the ſpace of three years, from the 20th of *Auguſt* then next enſuing *&c.* And after that, maintain and keep them *&c.* firm and depaſturable in Summer and Winter, except three hundred Acres, or thereabouts, to be left in the ſaid Fens, called **Spalding** and **Deping** Fens, and **Gogland**, for Lakes and Sikes; and *xl* Acres in **Bourne** and **Thurlby** Fens; and excepting the Drayns and Sewers then in the ſaid Fenns, but ſhould ſuffer the ſaid two parts to be drowned *&c.* by the ſpace of a year together, after the expiration of the ſaid three years; and the ſame certified by *xii* Commiſſioners of Sewers, whereof ſix of the parts of **Holand**, and ſix of **Kelleven**, in the high Court of Chancery, and there Recorded; that then in caſe the ſaid ground, within one year following were not recovered *&c.* then the Lords and Proprietaries of the ſaid Fens,, to re-enter: And the Inhabitants of **Holand** and **Kelleven** enter upon their Common in the ſaid third part, according to their former right.

How far Mr. *Lovell* proceeded in this adventure, I know not: but his attempt not ſucceeding (as it ſeems) I find, that the Commiſſioners for the general drayning of the *great Level* (whereof I ſhall ſpeak at large by and by) ſitting at **Wiſbeche** on the *xxiij*th of *May*, 14 *Caroli*, for the impoſing of ſeveral Taxes upon the particular Fens and Marſhes, throughout that vaſt tract; in order to that work, aſſeſſed [d] *xxx s.* an Acre upon **Deping** Fen before-ſpecified. And

[d] Inter Collect. Comitis de **Lindſey.**

afterwards, *ſcil.* in *July* following, ſitting at **Huntendon**, by their Letters, dated the *xxiiij*th of that Month, and directed to the Lords of his Majeſties moſt honourable Privy Council, certified; that they had heard all that could be alleged by the Learned Councel of the Earl of **Exeter**, and the Adventurers, touching that Fen, aſwell for matter of Law, as fact and Equitie; and upon full debate and adviſed conſideration thereof, were unanimouſly of opinion, that the Tax impoſed by the Commiſſioners at **Wiſebeche**, before-mentioned, was upon juſt grounds, and ſo reſolved: And foraſmuch as the ſame was not paid, they might therefore lawfully proceed to make a Decree, for the further and perfect drayning thereof; and thereby to adjudge and order, aſwell from his Majeſty being Lord of the ſoil, as from the Adventurers and others intereſſed therein, ſuch proportion of land, as might ſufficiently bear the chardge of the work, which would be very great, notwithſtanding what had been before that time diſburſed by the ſaid Earl and Adventurers. **Kelleven and Holand.**

And they farther certified, that before they would enter into the making of any ſuch Decree, they humbly deſired, that they might receive his Majeſties pleaſure, whether they ſhould proceed therein, or not; and in caſe they ſhould, whether his Majeſtie would become the undertaker of the work himſelf, and ſo diſpoſe of it to the ſaid Adventurers; to do, in reſpect of their great diſburſments therein, whereof they had or could receive little fruit, as the ſtate of the ſaid Fens then ſtood; which they wholly did ſubmit to his Majeſties wiſdome and pleaſure; deſiring, that the ſame might be ſpeedily ſignified unto them, to the end they might proceed accordingly: and humbly offered this advice to their Lordſhips, that it might not be left to the power of the Adventurers, or any others that ſhould undertake the ſaid drayning, under his Majeſtie, to perform it by any ways or deſigns, other than ſuch as his Majeſtie or the Commiſſioners ſhould approve; and direct by new Acts of Sewers in that behalf, as the beſt and moſt convenient for the perfect drayning of their Fens, and the benefit of other the Fens and parts of the *great Le-*

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Kesteven and Holand.

vell, thereunto adjoyning; in regard, otherwise the drayning of these, might prove very prejudicial to the general work: and they moreover desired, that care might be taken, that no more time were lost in the prosecution thereof, but that the same might proceed, that instant Summer, in such a way, as the King, upon consideration thereof should please to direct.

In answer to which propos'als, I find his Majesties pleasure signified to the said Commissioners by the Lord Bishop of **London** from **Theobalds**, in the same moneth of *July*; which was to let them know, that they might proceed to make a Decree, for the farther and more perfect drayning of the said **Deping** fen; and thereby to adjudge and order, aswel from his Majesty being Lord of the soil, as from the Adventurers and others interessed therein, such proportion of land, as might sufficiently bear the chardge of the work: And, that because his Majesty intended to see that great work of the *whole Levell* prosecuted according to his first Princely design (it being for the Countries good, and his own service) in such manner, as might have just regard to the perfecting of the same, with most publick and general advantage to the whole Fens, he was farther pleased to declare himself the sole Adventurer, aswell of this particular Fen, called **Deping** fen, as of the whole *great Levell*; and, that he would afterwards, in ordering the same, have a just respect unto such persons of Honour and others, as had any former interest or engagement therein.

To conclude this Chapter, I find by a Law of Sewers, made at **St. Ives**, the *xv*th of *October* 17 *Caroli*; that the Commissioners, therein reciting; that whereas the Earl of **Exeter** had a third part of this **Deping** fen; as also of **Spalding** and **Pinchbek** fens, and of **Gosland** belonging to **Crouland**, by contract made with Captain *Thomas Lovell*, for drayning of the said Fens, which being not performed, the said Fens did then remain drowned; they then decreed; that the said Fens should be surveyed by the appointment of Sir *William Ayloff*, and Sir *Anthony Thomas*, undertakers, and six Commissioners of **Holand** and **Kesteven**; and a moytie assigned to the said Sir *William* and Sir *Anthony* and their Heirs, in recompence of their chardges for drayning thereof: and two thirds of all the grounds surrounded, lying in **Spalding** and **Weston**, called **Bellesmore**, being the grounds of Sir *Francis Jones* Knight: and two parts of the grounds called **Turpitts**, lying in **Weston** aforesaid; and a fourth part of the ground, called **East fen**, lying in **Moulton**; and in **Quapiode** and **Holbeche** the one half.

e Inter Decreta in officio vocato the Pettibag.

See more of this in Cap. *Liiij*. an. 17. *Jac.*

After which, divers Gentlemen, whose names are expresst in the Map here exhibited, became Adventurers for the exsiccation thereof; and in order thereto, caused the River of **Welland**, from **Waldram** Hall to **Spalding**, and thence to the out-fall, to be made wider and deeper. The drayn called the **Staker drayne**, (about *xx* foot in bredth) for to ease the River of **Glen**, together with **Hill's drayne**, and **Vernat's drayne** they likewise made new; and perfected **Exeter drayne**, from **Cubbet tunnell** almost to the Sea. Neer **Spalding** they also erected a great fluce, and made all the partition dikes in such sort as the Map sheweth: By which works the water was so well taken off, that in Summer this whole Fen yielded great store of grasse and Hay; and had been made winter ground in a short time, but that the Countrey people, taking advantage of the Confusions throughout the whole Kingdome, which ensued soon after the Convention of the late long Parliament (as is very well known) possest themselves thereof; so that the Banks and Sewers being neglected by the Adventurers, it became again overflowed, and so remaineth at this time.

Cap. XLIV.

How the greateſt part of this Province was at firſt gained from the Sea, I have already in the Chapter of this my diſcourſe briefly manifeſted: that therefore which now remaineth to be ſpoken, in reference to it, ſhall be touching the farther improvement thereof by drayning and banking; and the ſupport of what was done in that kind before: Wherein I purpoſe to begin with **Crouland**, made famous of old by S. *Guthlake*, an holy Hermite, who neer a thouſand years ſince, for devotions ſake, betook himſelf hither, as to a place of the greateſt ſolitude.

How terrible and hideous the parts hereabouts then were, conſidering the vaſtneſſe of the Fen, I need not to make farther relation, having elſewhere * ſo fully diſcourſed of them: I ſhall now therefore briefly point at what is moſt memorable touching the ſame, in order to my preſent purpoſe.

After the death of this pious man S. *Guthlake*, *Ethelbald* then King of **Mercia** (whoſe Confeſſor [a] he had been) diſcerning how renowned he grew, for ſundry Miracles, ſought out his Sepulture: and having ſent for a Monk of **Evesham**, called *Kenulph* (who was then eminent for his holy life) as alſo conſulted with him for the gathering of a Covent, did, in the year of Chriſt *DCCxvi.* begin the foundation of a goodly Monaſtery, in this place: which he indowed with the whole Iſle of **Crouland**, bounded [b] with theſe waters; *viz.* **Schepiſhee** towards the Eaſt; **Nene** towards the Weſt; **South Ee** on the South; and **Aſendik** to the North, where the common Sewer then was betwixt **Spalding** and the ſaid Iſle. Which tract of ground containeth four miles in length, and three in bredth: and whereunto belonged thoſe large adjacent Fens, oppoſite to the ſaid Iſle on the Weſt part, lying on each ſide the River of **Weland**; that towards the North, called **Goggiſlond**, extending two miles in length from **Crouland** bridge to **Aſaph** (where the entrance into the Iſle is) and one mile in bredth; *viz.* from the River of **Weland**, on the South ſide thereof, unto **Apenholt** on the North, to the bank of the water. The other part of that fen, lying Southwards of the ſaid ſtream of **Weland**, containeth alſo two miles in length, from **Crouland** bridge to **Southlake**, neer the Chanel oppoſite to **Aſpath**, having two miles alſo in bredth; *viz.* from the ſaid River of **Weland** to **Fynſett**, on the Verge of the River **Nene**; which is on the South ſide of the ſame Fen. **Holand** (**Croulland**)

And becauſe [c] the ground whereon the King deſigned to erect this Abby, was ſo moyſt and Fenny, that it could not, of it ſelf, bear a building of ſtone; he brought an infinite number of mighty piles, made of Oak and Alder, which he cauſed to be driven deep into the ground; as alſo a great proportion of firm and hard earth, digged nine miles thence; and upon thoſe he raiſed that ſtructure; that Oratory, which S. *Guthlake* had there, being only of Timber.

And now, though I have already pointed at the extent of this Iſle from the words of the before-ſpecified Charter of King *Ethelbald*: nevertheleſſe, becauſe I find it afterwards more exactly ſet forth, by the confirmation of other Kings; and that the knowledge of thoſe places therein expreſt, may give a clearer light unto what I am to ſay of theſe Fenny parts; I ſhall take notice of two other deſcriptions of the ſaid boundaries; the firſt whereof is by *Bertulph* King of **Mercia**, in the year of Chriſt *DCCCLi.* *viz.* [d] from **Aſwiktoft hirne** to **Tedwarthar**, the water of **Schepiſhee**; having the ſaid Iſle on the Weſt part, and the fen of **Cappelade** on the Eaſt. And from **Tedwarthar** to **Namans land hirne**, the water of the South Ee bounds it, having the ſame Iſle on the North thereof, and the wood of **Ancarig** (*id eſt* **Thorney**) on the South. And from **Namans land hirne** to **Crouland** bridge, the River of **Nene** is the limit thereof, having the ſaid Iſle on the Eaſt part, and the Fen called **Alderlound** on the Weſt: And from **Crouland** bridge to **Wodelademouth**, the River of **Weland** is the fence thereto, having the before-ſpecified Iſle on the Eaſt part of it, and the Fen called **Goggeſlound** on the Weſt. And from **Wodelademouth** to

a Hiſt. *Ingulph* f. 484 b.

b Ib. f. 485. a.

c Ibid. f. 485. b. n. 20.

d Ib. f. 489 a.

Kesteven and Holand.

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In answer to which proposals, I find his Majesties pleasure signified to the said Commissioners by the Lord Bishop of **London** from **Theobalds**, in the same moneth of *July*; which was to let them know, that they might proceed to make a Decree, for the farther and more perfect drayning of the said **Deping** fen; and thereby to adjudge and order, aswel from his Majesty being Lord of the soil, as from the Adventurers and others interessed therein, such proportion of land, as might sufficiently bear the chardge of the work: And, that because his Majesty intended to see that great work of the *whole Levell* prosecuted according to his first Princely design (it being for the Countries good, and his own service) in such manner, as might have just regard to the perfecting of the same, with most publick and general advantage to the whole Fens, he was farther pleased to declare himself the sole Adventurer, aswell of this particular Fen, called **Deping** fen, as of the whole *great Levell*; and, that he would afterwards, in ordering the same, have a just respect unto such persons of Honour and others, as had any former interest or engagement therein.

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CAP.

Cap. XLIV.

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a Hiſt. *Ingulphi* f. 484 b.

b Ib. f. 485. a.

c Ibid f 485. b. n. 20.

d Ib. f. 489. a.

Holand. Crouland)

the common Sewer of Aſendik; the ſaid River of Weland is the limit thereof, having the ſaid Iſle on the South part, and Spalding fen on the North. And from the ſaid Sewer to Aſwiktoft, doth the water of Aſendik bound it, having the ſame Iſle on the South part, and the Fens of Spalding, Weſton, and Multon on the North.

Moreover, of the Fens lying oppoſite to the ſaid Iſle, on the Weſt ſide, theſe were then the limits; *viz.* from Namans land hirne to Finſet; thence to Gyoines; thence to Folwardſtaking; thence Northwards to the ſtream of Weland, where South lake enters thereinto; and ſo paſſing over the ſaid River of Weland, and aſcending to Aſpath: thence Northwards to Werwerlake, and ſo by Harinholt to Wengarlake; thence to Oggot, otherwiſe called Dedmans lake; and ſo by Apinholt and Wodelake, Eaſtwards, to Wodelademouth; which is the boundary of the Iſle, on that ſide towards the North; as Namans land hirne is towards the South. Howbeit the Common of Paſture for Cattel, extendeth farther than the before-ſpecified bounds of thoſe Fens Southwards, even to the lands belonging to the Monks of Medſhamſted (now Peterborough) and towards the Weſt to the Lands of the Monks of *S. Pega* (now Peakirke) in the South fens of Weland: and in the North fens, towards the Weſt, to the Town of Deping; & Northwards to Spaldeling.

The other boundary [c] is by *Edred*, King of great Britaine, thus deſcribed (in the year of Chriſts Incarnation *DCCCCxlviij*) *viz.* from the triangular Bridge at Crouland, by the River of Weland towards Spalding, unto Aſendike, where Aſendik falleth into the River of Weland, on the North part of a certain Croſſe of ſtone, there erected by Abbot *Turketill*: and ſo upwards to the Eaſt, by Aſendick to Aſwicktoft: Thence to Shepiſhee on the Eaſt ſide of the ſame Iſle; and ſo to Todwarthat: and there, entring South Ee to Naman land hirne, where the ſaid Abbot *Turketill* ſet up another Croſſe of ſtone, ſix perches diſtant from South Ee; the diviſion of the Counties of Lincolne and Cambridge, being in that water; and the ſaid Croſſe being diſtant from the River of Nene, five perches VVeſtwards: And ſo along the ſaid River of Nene, as it runneth to the before-ſpecified Bridge at Crouland. VVhereunto belonged likewiſe the ſeveral fiſhing aſwell in all the waters invironing the ſaid Iſle, as in the Pools and Fens within the Precincts thereof; together with the Marſhes and woods of Alderlound, ſituate VVeſtwards, and oppoſite thereto; all which were annexed to the County of Lincolne, according to theſe ſubſequent boundaries; *viz.* from Naman land hirne, by the River of Nene, weſtwards, to Finſet (where there is a Croſs of ſtone ſet up near the River) Thence to Gyinis: thence to Folwardſtaking; and thence to Southlake, where it falleth into Weland: And ſo paſſing over the ſaid River of Weland, and beginning at Kenulphſton, near the ſtream, over againſt Southlake, where *Kenulph* the firſt Abbot of this Monaſtery fixed a Croſſe of ſtone for the limit betwixt Crouland and Deping: And thence tending Northwards, near Aſpath, unto Werwarlake; and ſo to Harinholt; and then up by Wengarlake and Lurtlake, where the bounds of Holand and Keſteven are. Thence to Oggot; and ſo to Apinholt (otherwiſe called Wodelade) where the ſame VVodelade falleth into VVeland.

VVhich ample poſſeſſions, though they yielded not much profit, in regard ſo great a quantity of them, lay then, for the moſt part under water; yet can it not be denyed, but that upon the invaſion of thoſe Pagan *Danes*, in the time of *Beorred* King of Mercia, they hapned to be their chiefeſt refuge, the lives of moſt of the Monks of this Abby, being then ſecured by means of theſe ſpacious Fenns; in the reeds and thickets whereof they hid [g] themſelves; to avoid the cruelties of thoſe barbarous people; whilſt the reſt of their Covent were murthered, and the Abby burnt. VVhich Monks ſo preſerved; and, after that woful maſacre, returning again, contented themſelvs with ſuch habitations, as the ruines, there left, would afford them. Nor had they better, untill the time of King *Edred*, that *Turketill*, then his Chancellour, taking to heart thoſe their ſufferings, procured that King to rebuild it: and not only ſo, but out of his ſingular devotion to God, and affection to this place, giving

[c] Ib. f. 497. b.

[f] An. 870.

[g] Ib. f. 493. a. b.

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h Ib. f. 497. a. h six goodly Mannours thereto, and causing himself to be shorn a Monk, became afterwards Abbot there.

Whereupon (through the munificence of that good King, and the bounty of the said *Turketill*) being thus restored to it's former splendor; there was no good means unattempted, that might conduce to the bettering and improving of the lands thereto belonging, for the most advantage, as may seem by those endeavors of Abbot *Egelric* (in the times of King *Edward* the elder, and King *Edgar*) who plowed up a large proportion of them for Corn; which could not have been done without the help of drayning, I presume; for (saith *Ingul-*
i Ib. f. 505. b. *phus* i) *Fecit etiam, in annis siccitatis, culturam in suis paludibus &c. In dry years, he tilled the Fens in four places, at the four corners of them; and for three or four of years had the increase of an hundred fold of what seed soever he sowed. Amongst which that Fen at* Tedwarthar *was the most fruitfull; the Monastery being so much enricht by these plentifull crops, that the whole Country thereabouts was supplyed therewith: and a multitude of poor people, resorting thither for that respect,* Crouland *became a large Town.*

The same *Ingulphus* (who was Abbot here in the *Norman* Conquerers time)
k Ib. f. 518. b. saith, k that in his days they had not any such Tenants residing here at **Croul-land**, as upon their other Lands, no man delighting to inhabit here any longer than he was necessitated so to do; insomuch as those who in time of warr betook themselves hither for security (as great numbers of rich and poor from the neighbouring Countries did) afterwards returned back to their particular homes: none continuing here but their own domestique family, with their wives and children, to whom he did let to ferm a great proportion of the Marshes and Meadows, belonging to this Abby, for certain annual Rents, and other services.
l *W. Malmes.* lib. 4. f. 167. a. n. 10. For l without Boats there was not then any accesse thereto, there being no path farther than to the gate of the Monastery.

But notwithstanding, that the lands and possessions of this Abby, were, through the great bounty of several Kings, and others, given thereto with divers ample privileges and immunities; and not only so, but with fearful curses pronounc'd by those pious Donours, against such as should violate any of their grants: nevertheless it appears m, that the Inhabitants of **Holand** (bordering on the North-side of **Crouland**) *having drayned their own Marshes*, and converted them to good and fertile arable land, whereof each Town had their proper portion; wanting pasturage for their Cattel, took advantage of a false rumour then spread of King *Henry* the second's death (it being the *xxxv.* and last year of his Reign, and he then beyond Sea) and bearing themselves not a little on their strength and wealth, thought that they might oppresse the poor Monks of **Crouland**, without any controul.

Holand.

m In Exhibit. Abb. tam Croul. quam Spald. [Cotton. [sub effigie Otho III. B. 13] f. 96. a.

Whereupon *Gerard de Bamvill*, *Fulke d'Oiri*, *Thomas de Multon* the elder, and *Conan* son of *Helyas*, who were much displeased with the said Monks of **Crouland** for other respects, associating to themselves *Richard de Flet*, and *Walter*, with many others, came to *Nicholas* then Prior of **Spalding**, and moved him to be their Leader: and to augment the number, all the chief men of **Ellow** Wapentake, some few excepted, conspiring with them, sometimes had their meetings in the Prior of **Spalding**'s Barn, at **Weston**, and sometimes in the Church at **Holbeche**. When therefore the Abbot of **Crouland**, according to Custome, kept up his Marshes, as every year he had used to do about *Rogation* week; and to the end that his Hay might have the better growth, caused Proclamation to be made upon the Bridge at **Spalding**, that the men of **Holand** and others should keep their Cattel from coming thereinto; they not only refused so to do, but drove in many more than they had formerly done. Whereupon the Abbots servants impounding them, the men of **Holand** grew very angry; and having set a day, *viz.* the Feast of *Nereus* and *Achilleius*, they then came into the said Marsh of **Crouland**, all armed, as it had been to battail, to the number of above three thousand. Whereof the Abbot having notice, he forthwith (accompanied with a few of his own Family) met them at the Bank called **Asendic** (which is the boundary of **Crouland** Fen) and earnestly intreated peace with them;

Holand (Crouland)

them; for he feared that they had a purpose to destroy the Abby, and to that end were so come together. But they answered him scornfully, and passing through the midst of the Fen, shared it among themselves, according to the situation of their Towns. And having so done, pitched Tents and made huts on every side the Abby; wherein they placed guards of armed men to keep each part thereof. And likewise digg'd turf, cut down a great part of the wood and Aldergroves of **Crouland**, and burnt them; depastured their Meadows, and carryed away the Hay, with divers other violences, by the space of *xv* days: the Abbot and Monks with their servants being all this while shut up, so that they durst scarce go out of their Church dores.

In this lamentable condition therefore, they resolved to make complaint to the Kings Justices; and to that end dispatch'd a messenger to *Geffrey Fitz Piers*, then dwelling at **Clive** in **Northamptonshire**: who hearing of these great outrages, sent six Knights from **Northampton**, to be better informed thereof. Which Knights coming first on the East side of the Abby, there found the Tent of **Sutton** men, who were Tenants to *Geffrey de Canvill*, and had all sorts of weapons with them; and said, that they were there by their Masters command. So likewise did all the rest answer, the Tent of **Spalding** men being the last.

But the Abbot himself, being most sensible of these high oppressions, got out privately, and made all the haste he could to **London**; where he represented to *Hubert Walter* (substitute to *Ranulph de Glanvill*, the Kings Chief Justice, then beyond Sea with the King) and to his fellow Judges, these great injuries and abuses; shewing them the Kings Charter, which setteth forth the bounds of those their Fens. VVho thereupon much compassionating the said Abbot and his Monks, sent forthwith in the Kings name, to the said *Geffrey fitz Piers*; and required him, that he should call before him, the Prior of **Spalding**, and all those men of **Holand**; and to do the said Abbot right upon them: whereof these Riotors hearnig, they presently burnt their Cabbins, and went to their own homes.

At the summons therefore of the before-mentioned *Geffrey fitz Piers*, the said Prior of **Spalding**, and the other Delinquents, met him at **Deping**; to which place the said *Geffrey* brought many eminent persons with him, upon the *Friday* in *Whitson week*; where the Abbot of **Crouland** chardged them with the breach of the Kings Peace, and all the violence and wrong before-specified. There were likewise seven particular men, who stood up, and on the said Abbots behalf, laid to the chardge of seven of the principal offenders, that each of them had damnified the Abbot to the value of *xx* Marks: Whereupon some of them were sent to Prison to **Northampton**, some to **Rokingham**, and some to other places.

The particulars touching this sute; for it lasted five years, would be too much trouble to rehearse: but at length the Abbot prevailed, and recovered the possession of those Marshes; the businesse being determined in the year *MCXCxiij.* (5 *R.* 1.)

But though this sute had then an end, the Prior of **Spalding** renewed his former claim: yet in the end they came to an amicable agreement [n], by a Fine levyed betwixt them in 18 *H.* 3. whereby it was concluded; that, neither the one, nor the other should impound any Cattel of them the said Abbot and Prior, or their Tenants of **Crowland**, **Spalding**, **Pinchbec**, **Langtoft**, **Baston** and **Deping**, depasturing within the Fens of the said towns; nor take in any strangers Cattel into those Fens.

[n] Ex Chro. Abb. Croulandiæ compositis tem. H. 7.

About this time *Will. de Albinei* (a great man in these parts) challenged right of Common in divers of these Fens. Whereupon, by a fine [o] levyed at **Lincolne**, in 24 *H.* 3. betwixt the then Abbot of **Crouland**, and Prior of **Spalding**, and the said *William*, it was determined; that he the said *William*, and his Heirs, should have Common of Pasture, for all manner of Cattel belonging to himself and all his Tenants of **Uffington**, **Caswike**, and **Tallington**, in the Fens of **Crouland**, **Spalding**, **Pinchbec**, **Langtoft**, and **Baston**.

In ..... *H.* 3. there was a Presentment [p] exhibited to the Justices Itinerant, at **Lincolne**, by the Jurors for the VVa-

[p] Ex Regist. de Croyland penès *Joh. Oldfield* arm. f. 6. a.

Wapentake of **Ellowe**; ſetting forth, that there was two courſes of water, in the common River of **Croyland**; the one nearer, and the other more remote. And that the nearer current was the right Chanell, and of ſufficient depth, wherein they that did go with Barges and Boats might well paſſe too and fro: but that the Abbot of **Croyland**, had by planting willows thereon, ſo obſtructed & ſtraitghned the ſaid courſe of that ſtream, that Boats and Barges could not paſſe as formerly they had. But it was afterwards adjudged, both by the ſaid Jurors, and likewiſe by the Juſtices Itinerants for this County (who paſſed that way to view the ſame) that the current of the ſaid water was much more proper and commodious in the place where then it went, than there where the Jurors preſented the default to be; provided that it might continue as wide and deep as it then was; and that it might be ſtraight and not bending, as the old one was: and therefore they concluded and ordered, that it ſhould continue where it then ran.

In 11 *E.* 1. there was a Commiſſion [q] iſſued unto *N. de Stapelton, W. de Brumpton*, and *E. de Bekingham* to enquire by the Oath of honeſt and lawfull men of this County, whether the Abbot of **Croyland** or Prior of **Spalding** ought to repair certain Bridges, Gutters, Banks, and Ditches in thoſe parts, concerning which there was ſome difference betwixt them.

[q] Pat. 11 E. 1. m. 11. in dorſo.

In 10 *E.* 3. there was a Petition exhibited to the King and his Council in Parliament, ſetting forth the many perils and loſſes, which had befallen ſeveral men, by reaſon of the ill way betwixt **Crouland** and **Spalding**; as alſo that greater miſchief was like to happen therby, unleſſe by the repairing of thoſe ways, a remedy were ſpeedily uſed: And that all thoſe dangers and loſſes might well be avoided, in caſe there were a new Cauſey made betwixt the ſaid town of **Crouland**, and a place called the **Brother houſe**, by the ſaid Abbot, upon his own proper ground; for the making and repair whereof, he the ſaid Abbot and his ſucceſſors were to take a certain Cuſtome of all perſons travelling that way: the ſaid King therefore, much affecting the ſafeguard and eaſe of his people; and for that reſpect, deſiring to be certified, whether the ſaid Abbot would be willing to undertake the making and repair of ſuch a Cauſey or not: and if ſo, then how and in what ſort; directed his Precept to him, requiring his anſwer thereto. [r] Pat. 10 E. 3. p. 2. m. 8. in dorſo.

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Whereupon the Abbot by his Letters ſignified to the King; that the diſtance betwixt the great Bridge within the Town of **Crouland**, and the ſaid place called **Brother-houſe** (within which ſpace theſe dangers in paſſage were) was no leſſe than three miles, and in a fenny ſoil, upon the one ſide of the River **Weland**; where, by reaſon of the lowneſſe of the ground in a Mooriſh earth, it would be a difficult matter to make a Cauſey, fit and durable for paſſengers; becauſe it could not be made otherwiſe than upon the Brink of that River, where there was ſo much water in winter time, that it covered the ground an ell and an half in depth, and in a tempeſtuous wind two ells: at which times the ground on the ſide of that River, upon the brink whereof the ſaid Cauſey ought to be made, was often broke by Bargemen and Mariners; and by the force of the wind ſo torn away, as that the earth was diminiſhed and waſted: ſo that in caſe a Cauſey ſhould be there made, it would in a ſhort time be conſumed and waſted away, by the power of thoſe winds, except it were raiſed very high and broad, and defended by ſome means againſt ſuch dangers: and that for the ſafeguard and eaſe of paſſengers, aſwell on that ſide the ſaid River of **Weland**, within the Precincts of the Town of **Crouland**, as overthwart the ſame Cauſey, there ought to be made many high and ſtrong Bridges, which would require no little chardge, to the end that loaded Barges and Boats might paſſe under them; and that might ſerve for neceſſary Sewers: over which Bridges loaded Carts, Horſes, and others might alſo travell. And for the ſupporting of this great chardge, ever Barge paſſing that way in a tempeſtuous time, ſhould pay *xii* d. every loaded Cart *xij* d. every loaded horſe *vi* pence; every man carrying a burthen *ii* d. every Horſe not loaded *iij* d. every man ſingly going that way *i* d. And for Cattel and other things carryed by water, more or leſſe, as ſhould be agreed

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with the boat-men. And in great ſtorms and flouds, double to what is before expreſt to be paid for all carriages by water, that way.

And foraſmuch as the making and maintenance of the ſaid Cauſey was like to be ſo chardgable, in reſpect of it's length, height, and thickneſſe, with neceſſary bridges, as aforeſaid; the ſaid Abbot propoſed then to the King, whether he would pleaſe to grant unto him and his Monaſtery, for to undergo the ſame, ſuch a Cuſtome, for the ſpace of ſeven years, of every paſſenger, aſwell by land as water, travailing within the compaſſe of the Lordſhip of **Crouland**, as might be ſuitable to ſuch a work, though ſuch Cuſtome did not exceed the one half of what paſſengers did at that time pay; and after thoſe ſeven years ſhould be expired, a certain leſſer Cuſtome, apportioned to the chardge of ſuch neceſſary maintainance and repair thereof. And that in caſe the King would ſo do, that then he would do his beſt endeavour to make and maintain the ſaid Cauſeys and bridges.

VVhich anſwer of the ſaid Abbot had no reply made thereto for the ſpace of two years after: but then, the Parliament again ſitting, the Inhabitants of **Kesteven** and **Holand**, exhibited a Petition [f] to the King, whereby they humbly beſought him, that for the ſafety and advantage of themſelves and other paſſengers, he would take the anſwer of the before-ſpecified Abbot into conſideration, and do what ſhould be meet therein. VVhereupon the ſaid King much regarding the ſafety and welfare of his people; and therefore deſiring, for the better performance of the work, to be more fully certified touching the premiſſes, aſſigned *Robert de Colevill*, *Adam de Limbergh*, *John de Ros*, *Humphrey de Litlebury*, *Will. de Bayeux*, and *Ranulph de Parys*, to enquire by the Oaths of honeſt and lawful men of this Country, what manner of Cuſtomes, and how much the barge-men and boat-men did then receive, aſwell for men as Cattel; and had to that time uſually received; and who ought to make that way and take the benefit thereof: As alſo upon whoſe ſoil, on both ſides, the barges and boats had uſed to land, and whoſe the whole paſſage was. And moreover what and how much Cuſtome would be requiſite for the ſaid Abbot to take for the ſpace of ſeven years, in conſideration of his chardge in making the ſame Cauſey and Bridges upon his own proper ſoyl: and how much after thoſe ſeven years were expired, to maintain them in repair. As alſo how many Cauſeys, and Bridges, and of what length, bredth, height, and thickneſſe each of them ought to be, for the more ſafe and ſubſtantial benefit of paſſengers: And laſtly, whether it would be of any damage to the ſaid King or others, if he did grant to the ſaid Abbot ſuch Cuſtomes as aforeſaid, for the conſiderations above ſpecified.

[f] Ibid.

But what was done therein, I find not.

Memorandum *, that from the time of the Foundation of the Abby of **Crouland**, untill the days of Sir *John Wake*, who lived in the times of *Edward* the ſecond and *Edward* the third (Kings of **England**) nothing was done againſt the Abby of **Crouland** for raiſing of a bank in the marſh of **Gokeſland**, in **Holand**. But in the time of *Thomas Wake*, the ſon of the ſaid Sir *John*, the ſaid bank was made: and ſo the Abbot of **Crouland** then made that bank from **Kenulphſton** to **Crouland hyn**, *alias* **Dyke end** (from which place the Lordſhip of **Deping** began, and continued to **Wode lade**) untill the time of *John* Duke of **Somerſet**: and then the ſaid Duke, by his own power, removed the ſaid Abbot from that bank; and compelled him more by violence, than any reaſon, to make a bank from **Dyke end** to **Wodelode**: which banks the ſaid Duke and his Lordſhip ought to have made; by reaſon whereof the ſaid Abbot and his Tenants were chardged more than they ought to be, almoſt by three parts.

Ex Regiſt. de **Crouland** penes *Joh. Oldfield* arm.

In *Eaſter* Term, which was held at **Lincolne** *xxiij* E. 3. the Jurors for divers Wapentakes in this County, preſented [t]; that a certain Sewer, called **Shepee**, had antiently wont to run from **South Ee**, from a place called **Douvedale**, through the midſt of the Precinct and circuit of the Abby of **Crouland**, by a place termed **Sandiſtowe**, and ſo directly to the gates of the **Brother houſes** (which is a Mannour of the Abbots of **Crouland**) and that it did there deſcend into an antient Sewer, called the **Old hee**; and ſo Weſtwards, under the

[t] Ib. f. 27. a. Vide etiam Plac. coram Rege term. *Hill.* 24. E. 3. rot. 34. *Lincoln.*

gate

Gates and Bridges of Brother house, unto a Pool of the said Abbots there, where *Henry*, at that time Abbot of Crouland, had erected a certain house for Oxen, upon the said VVatercourse and Sewer of Old hee, where it had used to run, by right, and so fall into the River of Weland, for the benefit and Commodity of Cambridge, Lincolne, Northampton, and Huntendon shires; and of all the grounds from Tydd S. *Maries*, in Lincolnshire, unto Baston on the borders of Kesteven; as also unto Surflet in Holand: and that it ought to be *xx* foot in bredth.

And they said, that the same Sewer called Shep Ee, was first obstructed by *Roger* sometime Abbot of Crouland; and that the same obstruction was at that time upheld by the before-specified *Henry*, the then Abbot, to the great damage of those Towns as lye betwixt the Town of Tydd S. *Maries* and Surflet.

And moreover they presented, that there had wont and ought to be a certain common high way from Spalding unto Brather house; and from thence to Crouland, of such bredth, as that all passengers might travel thereon with Horses, Carts, and usual droves of Cattel; which Road-way ought to be repaired by the Abbot and Town of Crouland; who likewise ought to make Bridges thereupon over all the Trenches, and repair them as often as need should require, so that the passage of Travellers might not be hindred, as then it was; to the great damage of the common people.

And they likewise presented, that the said Road-way from Brotherhouse, was obstructed by a certain Dunghill, laid there by the said Abbots servants, to the hinderance of all people passing that way.

And they farther presented, that the before-mentioned *Henry*, then Abbot of Crouland, with his Covent, had appropriated to themselves the particular soil of that high way, at the end of Crouland town; and planted willows and other trees thereon to the great hinderance of those that passed thereon.

And they likewise presented, that there was a certain Causey made by the town of Spalding, for the benefit of that place, directly from Wode lode unto Hideen of Deping, for safeguard of the Pasture of Deping; and that the said *Henry* Abbot of Crouland, had in the night time broken down the same Causey, to the damage of the towns of Spalding and Pynchebek; as also that the water of Spalding could not be preserved, unless the same Causey were repaired and maintained. Holand. (Croulande)

By reason of which presentment, the Shireeve had command to summon a Jury: who appearing, accordingly, said upon their Oaths, that the Sewer called Shepee, was a certain Ditch, and one of the bounds of the precinct of Crouland Abby; and so had been time beyond memory: which boundary did extend it self to certain other limits of the said Abby, called Alewygtoft, and from thence to other limits of the same Monastery. And they said, that there was not then, nor ever had been any common Sewer, running from South Ee, through the midst of the precincts of that Abby, since the time of memory.

And they also said, that there was not then any common Sewer at the Brotherhouse: but that the Sewer there was only a drayn peculiar to the Precinct of the before-specified Abby, and within the several grounds of the said Abbot and boundaries aforesaid; as also at the pleasure of the Abbot and Commodity of the Abby; *viz.* to make it and stop it again in what place soever the Abbot and Covent should think fittest. And that the Ox-house there built was in the several soil of the said Abby, and within the before-mentioned limits.

And they said moreover, that there was not any common Road-way, for passengers by land, from Brotherhouse to Crouland; but only for all passengers by Barges and Boats in the River of Weland; and that in consideration of hire to be given by those who were owners of the said Vessels. And that the said Abbot and Town of Crouland, ought not to repair any way there; nor make or maintain any bridges. And they likewise said, that the servants of the said Abbot did not obstruct any way at Brotherhouse by any Dunghil: but they said, that the place where the same Dung-

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Dunghill lay, was the particular ſoil of the ſaid Abbot, as in right of his Church of **Crouland**, and within the limits of that Abby: neither was it laid there to the hinderance of any paſſengers.

And they alſo ſaid, that there was not any common Road-way at the end of **Crouland** town, excepting in the River of **Weland**, with Barges and Boats, for all paſſengers upon hire. And that the place where the ſaid Abbot had planted willows, was and had been his own proper ſoil, time beyond memory, in right of his Church of S. *Guthlake* at **Crouland**.

And as to the Preſentment, that there was a certain Cauſey made by the men of **Spalding**, for the benefit of that Town, directly from **Wode lade** to **Midſen** of **Deping**; they ſaid, that the ſame Cauſey was wholly upon the land of the Abbot of **Crouland**, and not to **Midſen** of **Deping**: And that the ſaid Abbot was Lord of the Mannour and Town of **Crouland**, within the precinct whereof was a certain Fen, called **Goukeſlound**; which Fen was the proper ſoil of the ſaid Abbot, and ſo had been of his Predeceſſors time out of mind, as parcell of their Mannour and Town of **Crouland**.

And they ſaid moreover, that the floud of freſh waters, deſcending from the Weſt, into the ſaid Marſh, had always uſed to paſſe from thence, into the River of **Weland**, and ſo to the Sea. And that certain men of **Spalding**, and other Towns, had raiſed the ſaid Cauſey upon the ſoil of the ſaid Abbot of **Crouland**, where never any Cauſey was before; by which means the current of the freſh waters flowing in the ſaid Marſh was ſtopped, and by that obſtruction the Marſh of **Goukeſlound**, and other Marſhes adjacent thereto, were overflowed; and the Abby and Town of **Crouland** in danger of drowning. And the ſaid Abbot perceiving the ſaid Cauſey to be ſo unjuſtly made, and to the danger of drowning the before-ſpecified Abby and Town, came and cauſed it to be thrown down in divers places, as it was very lawfull for him to do: and that he did not caſt down any Cauſey elſe: therefore both himſelf and his Covent were diſchardged of the beforementioned preſentment.

In 40 *E.* 3. the Jurors for divers Hundreds, preſented [t] before *Gilbert d'Umfravill* Earl of **Angos**, and his fellow Juſtices for the Gaol delivery, then ſitting at **Lincolne**; that the Town of **Spalding** ought to ſcour and repair a certain running River called **Weland**, from the houſe of *William atte Touneſhende* of **Spalding**, unto a place called **Brotherhouſe**; which they had not done; and that by reaſon thereof, great damage did accrue to the Kings Liege people. Whereupon the Shireeve had command to ſummon the Inhabitants of **Spalding** to anſwer this chardge. VVho made their appearance accordingly, by *John de Kirketon*, their Attorney; and ſaid, that the River mentioned in that preſentment, then was and long had been an arm of the Sea, whereinto the tides did eb and flow twice in *xxiiij* hours; and therefore, that they ought not of right to cleanſe and repair it, nor ever had done; and deſired that the Country might enquire thereof. VVhereupon a Jury was ſummoned.

[t] Ex bund. de Brev. & Recordis, Walliæ &c. tangentibus. n. 10.

In 11 *H.* 6. there was an Agreement [u] made betwixt the Monks of **Crouland** and **Spaldyng**, and Sir *Will. Bonevile* Kt. and *Elizabeth* his wife, by Indenture tripartite, touching the making and repair of divers Banks in **Crouland** aforeſaid; whereof one extended it ſelf from a certain place, called **Dovedale clote**, unto **Crouland brigg**; and another from the ſaid bridge to a place called **Brotherhouſe**; and the third, called **Wynter dyke**, in **Crouland** aforeſaid, within the Precincts of **South Ee**, **Neue** and **Weland**: the Monks of **Spaldyng** and Sir *William Bonevill*, with *Elizabeth* his wife, alleging, that the Abbot of **Crouland** and his Predeceſſors, had time out of mind uſed to repair and maintain the ſame; and the ſaid Abbot utterly denyed it. The tenor of which Agreement was as followeth; *viz.* that whereas there were certain Banks in **Crouland** aforeſaid, in a certain place called **the Purceynt**, betwixt **Brotherhouſe** and a bank called **Quapelodes dyke**, begun to be made in two parcels, by *Richard* late Abbot of **Crouland**, Predeceſſor to *John* the then Abbot; he the ſaid *John* and his ſucceſſors, ſhould within three years next enſuing that Agreement, ſupport and repair them; and where need ſhould require

[u] Ex Regist. de Crouland penes Joh. Oldfield armig. fol. 40. a.

quire, raiſe them higher. And moreover, that within the compaſſe of thoſe three years, he ſhould make a new bank, betwixt thoſe other two; ſo as they meeting all in one, and being of ſufficient height, might extend as one bank, from the ſaid place called **Bzotherhoule** to **Quapelodſyd dyke**, without any breach, gutter, or trench; and be a ſufficient defence againſt all the flouds of water within that compaſſe, that might happen on the South ſide thereof; which bank to be alſo made ſo high, as that the ſaid flouds ſhould not overflow it, nor burthen, break, or overflow a certain bank called **Love dyke**, belonging to the Prior of **Spalding**, and to the ſaid Sir *William*, and *Elizabeth*, and others; nor overflow the lands of the ſaid Sir *William* and *Elizabeth*, lying in the Towns of **Weſton** & **Multon**; provided that ſuch flouds, which might ſo happen, were not through extraordinary tempeſts and rain, much greater than uſual: And that the ſaid Abbot and his ſucceſſors ſhould repair and maintain the before-ſpecified Bank, ſo to be made as aforeſaid, from **Bzotherhoule** to **Quapelodeſyd dyke**, well and ſufficiently, in every part, for the term of fourty years, then next enſuing the date of that Agreement.

And moreover, that the ſame Abbot and his ſucceſſors, ſhould from the Feaſt of *All Saints* then next enſuing, well and ſufficiently repair and maintain the ſaid two banks; whereof one did extend it ſelf from **Dovedale Clote** before-ſpecified, unto the before-ſpecified bridge at **Crouland**; and the other from thence to **Bzotherhoule**, untill the ſaid Bank from **Bzotherhoule** to **Quapelodeſyd dyke**, ſhould be ſufficiently perfected; ſo that the uſual flouds and overflowings of the waters of **South Ee**, **Nene**, and **Weland** aforeſaid, might not, in the mean time, do any hurt to the ſaid bank called **Lodyke**, or drown the lands in **Weſton** and **Multon** before-ſpecified: provided that ſuch flouds were not much greater than uſuall, through exceſſive tempeſts and rain.

And the ſaid Prior of **Spalding**, with his Covent, did then grant and agree, that the before-mentioned Abbot of **Crouland**, and his ſucceſſors, ſhould have power and authority, to dig and take, within the ſoil of him the ſaid Prior, and his ſucceſſors, in **Spalding** ſen, neareſt (to the ſaid place called **Bzotherhouſe**, land) ſo much earth, ſand, and clay, for the making and repair of the ſaid bank, thus begun and to be new raiſed, as an hundred Boats could carry upon the River of **Weland**, each boat containing ſix Cart loads.

Which Agreement being ſo made betwixt the parties aboveſaid, by the ſpecial mediation of Sir *John Juyn* Knight, then chief Baron of the Exchequer, and one of the Juſtices of the Court of Common Pleas, and *John Coteſmore* another of the Juſtices of that Court, beareth date upon the *Thurſday* next after the Feaſt of S. *Michael* the Arch-angel, in the year before-ſpecified.

After this, *viz.* in 17 *H.* 6. upon a Seſſion of Sewers held at **Waynflete**, upon Saturday next after the feaſt of S. *Michael* the Arch-angel, before *Richard Haghe* and *John Langholme*, there was a Preſentment [w] exhibited againſt the Abbot and Covent of **Crouland**; chardging him, that he and his Predeceſſors, time out of mind, had repaired, and ſo ought to do, a certain bank in **Crouland**, extending it ſelf from **Bzotherhouſe**, unto a place called the **Clote**; and thence to the triangular Bridge, in that Town; and ſo unto **Dovedale Clote**, in **Crouland**; and that the ſame was not repaired, to the great damage of the Country. And that the ſaid Abbot and Covent, and their Predeceſſors, had likewiſe uſed to repair another bank in **Crouland**, called **Sharpeſdyke**, within a certain marſh there, called the **Purc ynt**: which bank extended from **Bzotherhouſe**, to a place called **Plantefeld** in **Thorney**. And moreover, that there was a certain bank in **Crouland**, called **Wynterdyke** (within the ſaid marſh called the **Purceynt**) which did reach from the **Clote**, unto the ſide of the Abby of **Crouland**; and was then in decay, through the default of the ſame Abbot. And alſo, that there was another bank, lying within the **Purceynt** before-mentioned, on the Weſt ſide of **Shepes Ee**, extending it ſelf from **Dovedale clote**, neat the diviſion betwixt **Multon** and **Whappelode**; which bank ought likewiſe to have been repaired by the ſaid Abbot, as it had been by his ſaid Prede-

[w] Ib. f. 79. b.

Poland. (Coruland)

ceſſors, time beyond memory. And laſtly, that the ſaid Abbot and his Predeceſſors had uſually repaired another bank in **Crouland**, called **Mozedyke** (lying alſo within the ſaid Marſh called the **Purceynt**) which bank did reach from **Shepes Ee** to **Aſendyke**, and was then defective.

Whereupon the Shireeve of this County had command to ſummon the ſaid Abbot to appear at **Alford**, upon the Friday next after the Feaſt of *S. Michael* the Arch-angel, to anſwer unto the particulars contained in the ſaid preſentment: who came accordingly, and ſaid; that he himſelf and ſome of his Predeceſſors, with their Tenants and Fermours in the Towns and places adjacent to thoſe banks, had for their own Commodity and benefit, often repaired divers parts of them; but not at all for the advantage of the Country; and thereupon did put himſelf upon the tryall of a Jury. Which, being ſummoned to appear, came, and ſaid upon their Oaths; that the ſaid Abbot and his Predeceſſors, as alſo their Servants, Tenants, and Fermours of their Lands and Tenements, lying in the places adjoyning to thoſe Banks, had very often for the avoiding of damage to themſelves, repaired thoſe Bank, for their own private advantage, (as he the ſaid Abbot had pleaded) and not otherwiſe. And that neither the ſaid Abbot, nor any of his Predeceſſors had ever repaired them for the ſafeguard of the Country, or keeping in the water within the ſaid banks, for the benefit and Commodity of the Kings liege people. Wherefore the ſaid Abbot was diſchardged from that Preſentment.

But after this, *viz.* in *H.* 6. time, there was an Inquiſition[x] taken at **Staunford**, in this County, before Sir *John Beauchamp* Knight, then Steward of the Kings Houſhold, and *John* Duke of **Norfolk**, Marſhal of **England**, and the Marſhal of the Court of Marſhalſie in the ſaid Kings Houſhold; where it was found by the Jurors, that there was a certain Clough, called **Shiphey**, lying at **Dousdale** in the pariſh of **Crouland**, then broken; by reaſon whereof, the Lands and Tenements of divers perſons thereabouts were overflowed, to their great damage and hindrance; and that the Abbot of **Crouland** ought to repair the ſame, as he and his Predeceſſors had formerly uſed to do: which Clough had been broken and out of repair, from the Feaſt of *Eaſter*, in the *xxxvi.* year of the reign of King *Henry* the *vi.* and did ſo remain at the taking of this Inquiſition.

[x] Ib. f. 110. a. in cedulâ.

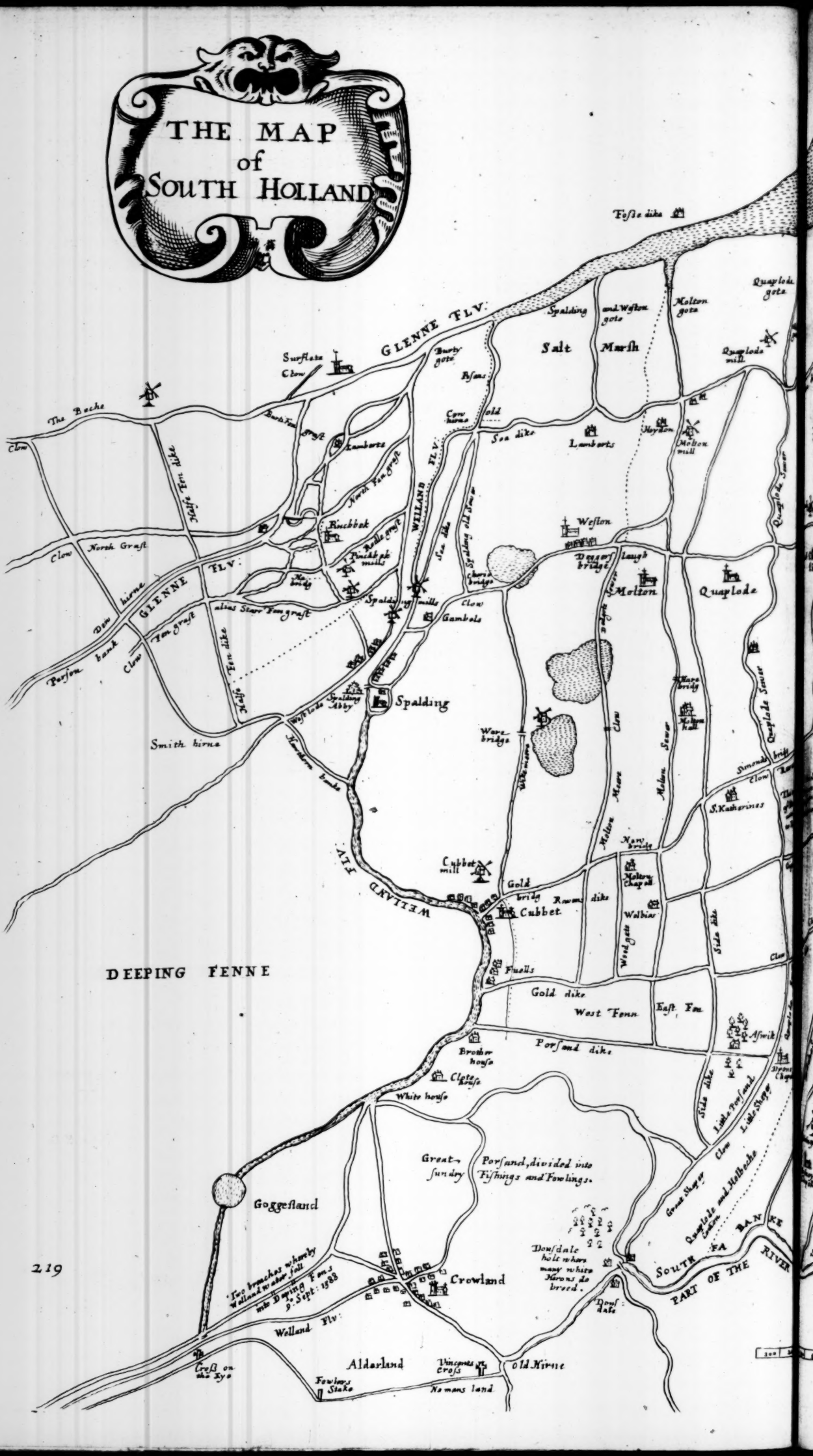
Upon which preſentment ſo made by the ſaid Jurors, as aforeſaid, the Abbot of **Crouland**, by his Attorneys, appeared at **Deping** upon *Thurſday* next after the Feaſt of *All Saints*, in the ſecond year of King *Edward* 4th, before the Steward and Marſhal of the Kings Houſehold; and pleaded not guilty as to the ſaid chardge: but becauſe he would not conteſt therein with the King, he ſubmitted himſelf, and deſired that he might be admitted to his fine; and was accordingly; which the Court aſſeſſed at *vi* s. *viij* d.

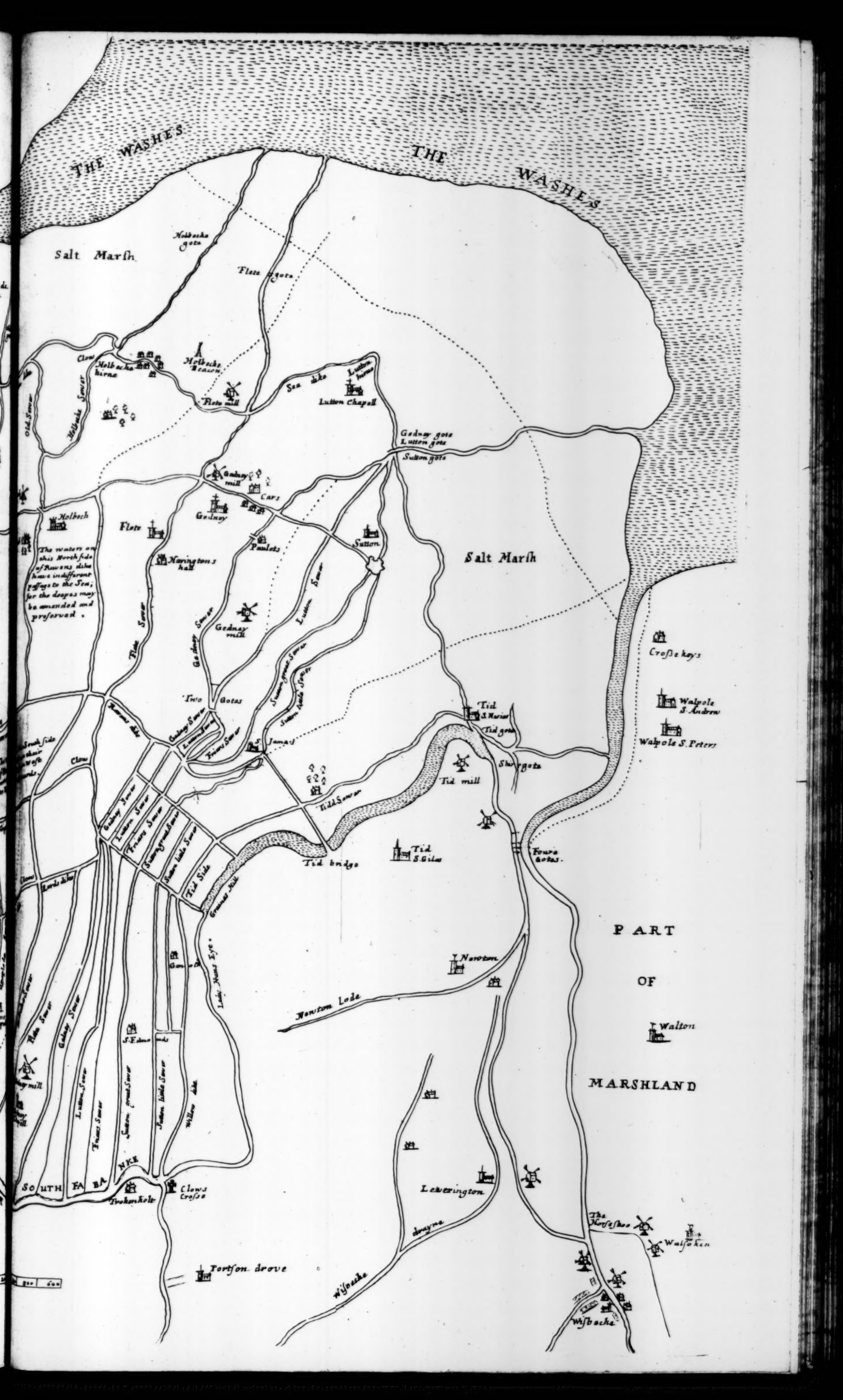
In 3 *H.* 5. there was an Award[y] made betwixt the Abbot of **Crouland**, and the Inhabitants of **Spalding** and **Pinchebec**, by *John Woodhouſe* Chancellour of the Dutchy of **Lancaſter**, *John Leventhorp* Receiver, and *Will. Babington* one of the Council of the ſaid Dutchy, with the aſſiſtance of *Richard Norton*, Chief Juſtice of the Common Pleas, and the reſt of the then Juſtices of that Court; who did decree to the ſaid Abbot and his ſucceſſors, all the ſoil of **Goggiſland**, together with the whole fiſhing and fowling therein; and that the ſaid Inhabitants of **Spalding** and **Pinchebec** ſhould be excluded from taking any other profits therein, excepting Common of Paſture.

[y] Ex Chron. de **Crouland** compoſitis temp. *H.* 7.

CAP.




THE MAP
of
SOUTH HOLLAND
Fosse dike
GLENNE FLV.
Spalding and Weston gote
Salt Marsh
Holton gote
Quaplode gote
Quaplode mill
Surflete Clow
Burty gote
Asses
Cow horse gold
Sea dike
Lamberts
Heydon
Holton mill
The Beche
Clow
North Fen dike
North Fen graft
Lamberts
Rinchbek
Rinchbek graft
Rinchbek mills
Weston
Quaplode Sewer
Clow
North Graft
FLV.
GLENNE
Dam hirne
Parson bank
Clow
Sea graft
alias Stour Fen graft
Spalding mills
Clow
Gambols
Sea dike
Spalding old Sewer
Chain bridge
Dagger bridge
Laugh Sewer
Holton
Quaplode
Spalding Abby
Spalding
Smith hirne
West Lode
Horseborn bridge
Ware bridge
Holton Sewer
Holton Mere
Holton hall
Simonds bridg
S. Katherines
Cubbet mill
WELLAND FLV.
Gold bridg
Rowns dike
Cubbet
Holton chapel
Walbias
Wind gate
Side dike
DEEPING FENNE
Fluells
Gold dike
West Fenn
East Fen
Aswik
Porsand dike
Brother house
Clote house
White house
Side dike
Little Porsand
Little Sluice
Great Sandry
Porsand, divided into Fishings and Fowlings.
Goggesland
Grene Sluice
Quaplode and Holbeche Sluice
Clow
SOUTH FEN BANKE
PART OF THE RIVER
Dousdale holt where many white Herons do breed.
Dousdale
Crowland
Two branches whereby Welland wonder fell into Deping Fens 9° Sept: 1588
Welland Flv:
Cross on the Rye
Alderland
Vincents cross
old Nirne
Fowlers Stake
No mans land


THE WASHES
THE WASHES
Salt Marsh
Holbeche gote
Flete gote
Holbeche Beacon
Holbeche mill
Holbeche Sewer
Old Sewer
Sea side
Lutton barne
Lutton Chapell
Gedney gote
Lutton gote
Sutton gote
Gedney mill
Cars
Gedney
Holbech
Flete
Pauletts
Sutton
Salt Marsh
Harrington's hall
The waters on this North side of Rowans dike have indifferent passages to the Sea; for the deapes may be amended and preserved.
Flete Sewer
Gedney Sewer
Lutton Sewer
Sutton grounds Sewer
Sutton Little Sewer
Gedney mill
Two Gotas
Rowans dike
Trinity Sewer
S. James
Tid S. Mary
Tid gote
Shur gote
Tid mill
Tidd Sewer
Tid bridge
Tid S. Giles
Foure Gotas
Crosse keys
Walpole S. Andrew
Walpole S. Peters
Clow
Lords dike
Tid Side
Ground Side
Lady Mary Eye
PART
OF
Norton
Norton Lode
Walton
MARSHLAND
S. Edmo
Lutton Sewer
Sutton grounds Sewer
Sutton Little Sewer
Willow dike
Gedney Sewer
Flete Sewer
mill
SOUTH FA BA NKE
Trokenholt
Clows Crosse
Portson drove
Leverington
drayne
wisbeche
The Horseshoe
Walsoken
Wisbeche
300
600

Cap. XLV.

HAving now done with what concerns that sometime famous Monastery of **Crouland**, I shall proceed with the remainder of this Province: but before I descend to speak in particular as to the support and maintenance of those antient banks, so long before made for the gaining thereof from the Sea, and it's defence against the fresh waters; as also such works of drayning, or otherwise, as tended to the better improving of all or any part of the same, I think it not impertinent to take notice, that these following Marshes and Fens are observed to have long since been within the limits of it; *viz.* (in the year of Christ *DCCC-xxxii.*) in [a] **Langtoft**, to the extent of two miles in length, and as much in bredth. In [b] **Baston** *xvi* furlongs in length, and eight in bredth. In [c] **Holbeche** and **Capelade** (in the year *DCCC-Li.*) five thousand acres: and in the Norman Conquerors time, in [d] **Algarekirk** ten Ox gangs, then waste by reason of the Seas inundation.

a *Ingulf.* f. 487. b.
b Ibid.
c Ib. f. 488. a.
d Ib. f. 516 b.

Next to observe, that King *Henry* the first did [h] afforest a great part thereof, aswell as of **Kesteven** (already spoke of) And that King *John* did, in the fift year of his reign, deafforest [i] all those lands that belonged to **Surflet, Gosbercherche, Quadavering** and **Dunnington.**

h Vide cap. xlii.
i Cart. 5 *Joh.* m. 6. n. 30.

As to the Sea-banks, in this Province, I find no mention of them till King *Henry* the third's time; but then it appears that the said King directed his Precept [k] to the Shireeve, to distrain all those that held any Lands lyable to the repair of them, to the end that they might be repaired as they ought and used to be: which Tenants were afterwards to have allowance thereof from their Landlords.

k Clauf. 33. H. 3. in dorso m. 15.

And about four years afterwards, *viz.* in 44 *H.* 3. the said King, by his Letters Patents to *Henry de Bathe* (of whom I have had occasion to make signal mention in my discourse of **Romeney** marsh) reciting, that whereas, through the inundation of the Sea into these parts of **Holand**, inestimable losse had hapned, and more was imminent, as he had credible information; and that by reason thereof he had sent his Precept to the Shireeve of this County, to distrain all those, who held any Lands and Tenements in these parts, which ought to contribute to the repair of the Ditches, Bridges, and Banks of the Sea, and Fens therein, in order to the repair and maintenance of them, according to the quantity of their said Lands: Nevertheless, for the manifestation of his greater care of that work, he appointed [m] the before-specified *Henry*, together with the said Shireeve, to provide forthwith for those repairs; and to make distresses for the same, in such sort as he should think most fit and conducing to the benefit and security of those parts,

l [l] Pat. 42 H. 3. m. 14. in dorso.
m

Holand.

In 47 *H.* 3. there was a presentment [n] by a Jury exhibited to *Martin de Litlebury* and his fellow Justices Itinerant at **Lincolne**, on the morrow after the Clause of *Easter*; shewing, that anticently in the time of old *Will. de Rumare* Earl of **Chester**, it hapned, that two men carrying a Corps from **Stikeney** to **Cibecey**, to be buryed in the Churchyard there, drowned it on **North dyke** Causey. Which being told to the said Earl, he acquainted the Abbot of **Revesby** therewith; and advertised him, that he and his Covent, ought at their own proper chardges to repair and maintain the said Causey, in consideration of two pieces of ground, which he the said Earl had given them, to that purpose for ever; whereof one was called **Heyholme**, and the other **West fewer**, containing about sixscore Acres, and worth by the year *vi* [l]. And the Jurors farther said, that the before-specified Abbot and Covent, which then were, did receive that land of the gift of the said Earl, for the maintenance of the same Causey, for ever; and that they did accordingly repair it for a long time, untill that one *Robert de Hailes* Archdeacon of **Lincolne**, at the request of the said Abbot and Covent, made a Collection throughout all his Archdeaconry for the maintenance thereof; with which

n Inter Brevia Regis & Recorda temp. E. 3. Rund. 2. n. 8.
* portus Lincolne.
Vide etiam Regist. de Crouland, penes *Joh. Osfield* arm. f. 41. a.

Holand. moneys ſo gotten, the ſaid Monks of Revesby repaired the ſame, untill about ten years before the exhibiting of the ſaid Preſentment; but after that time ſuffered it to go to ruine. Wherefore they preciſely ſaid, that the before-ſpecified Abbot and Covent ought to repair and maintain it ſtill, and no other.

And being asked, whether that the Abbot and Covent could keep it in repair with the yearly value of the ſaid land: they anſwered, that they might. And they ſaid likewiſe, that *William de Rumare*, ſon of the ſaid *William*, did after the death of his Father, confirm to the before-ſpecified Abbot and Covent, the land above-mentioned, in pure alms, for the maintenance of that Cauſey; at which time he made the ſaid Abbot and Covent ſwear, that notwithſtanding the ſaid confirmation ſo made to them in pure alms, they muſt repair and maintain the ſame Cauſey as they had before that time uſed to do: alleging, that for the want of repair thereof, divers perſons were drowned every year.

And the ſaid Jurors for the Wapentakes of Kirkſtone, Ellow, and Anelund, choſen to enquire concerning a certain Cauſey, called Holand Cauſey, * and of the bridge called Peckebrigge, ſaid upon their Oaths, that, in truth, one *Robert Fokem* of Hoxhelinge, antiently gave to the Prior of S. *Saviours*, one meſſuage, and one yard land, lying at the head of the ſaid Cauſey, neer to the very ſite of the ſaid Priory; to have and to hold to them and their ſucceſſors, for ever, for the reparation and maintenance of the before-ſpecified Cauſey from the head thereof, towards Keſteven, to the Innome of Donington. And for that conſideration were thoſe Canons of S. *Saviours* enfeoffed of the ſaid meſſuage and land, to maintain the ſame Cauſey for ever.

* Sive Bigg dyke.

And the ſame Jurors alſo ſaid; that the before-mentioned Canons did afterwards obtain a Bull from the Pope to exhort the people of the Country to contribute towards the repair of that Cauſey; by means whereof they collected much money; and that with thoſe moneys, as alſo with the profit of that meſſuage and land, and other moneys bequeathed unto them by ſeveral great men deceaſed, they uſed to repair the ſame, till within twenty years then laſt paſt, that they were hindred, by reaſon of a floud, that they could not do it. And ſince that time, that they imployed thoſe moneys ſo collected and bequeathed as aforeſaid, in purchaſing of lands. And they ſaid directly, that thoſe Canons ought to maintain the ſame Cauſey, from the head of Holand bridge unto the Innome of Donington, and not any other: And that with the revenue of that meſſuage, and what they had ſo purchaſed, they might very well do it.

And they ſaid moreover, that the Inhabitants of Donington ought to repair and maintain the before-ſpecified Cauſey, from that place called the Innome unto the head of the ſame, towards Holand, in reſpect of their lands lying on each ſide thereof, and by reaſon of the ſaid ground called the Innome, granted to them by the Country.

And as to the ſaid bridge called Peckebrigg, they ſaid; that before the foundation of the Priory of Spalding, there was not any there: and that the Prior of Spalding did antiently firſt build it; and being ſo built, that he and his ſucceſſors did ever afterwards repair it; by reaſon whereof they took Toll of all ſtrangers paſſing over it; and at that time did alſo ſo do. For which reaſons, they ſaid, that the ſame Prior and Covent of Spalding ought to maintain the ſame, and no other perſon whatſoever. And being asked of what bredth the ſaid bridge and Cauſey ought to be; they ſaid that the Cauſey ought to be ſo broad, as that Carts and Carriages might meet thereon, and the bridge of Peckebridge, ſo wide, as that men riding on Horſe back, might alſo meet upon it.

And becauſe it was found by the ſaid Inquiſition, that the before-ſpecified Abbot and Covent of Revesby ought to maintain the Cauſey called North dyke, by reaſon of that land ſo given unto them by the before-mentioned *William de Rumare*: And that the Prior and Covent of S. *Saviours* ought to maintain that part of the ſaid Cauſey, called Holand bridge Cauſey, by reaſon of thoſe their Lands and Tenements, as aforeſaid; and the men of Donington, the other part;

the

the Shireeve had command to ſeize the before-ſpecified lands into the Kings hands, and to retain them, until ſuch time as they ſhould give ſecurity for the repairs aboveſaid; and that this ſhould be done before the Feaſt of S. *Michael* then next enſuing.

The like command he had to diſtrain the Prior and Covent of **Spalding**, by all the goods which he could find of theirs, within his Bayliwick, for the repair of the ſaid bridge called **Peckebrigge**, within that time.

In 50 *H.* 3. the King being adverti-
o Pat. 50. H. 3. m. 30. in do. ſo. ſed, o that aſwell his own lands, as the
p lands of the Prior of **Spaulding**, and others, lying in this province of **Holand**, were in very great danger, through the decay of the Banks, Ditches, Gutters, and Sewers in divers parts thereof; did p aſſign *John le Moyne*, and *Alexander de Monteſort*, to enquire by the Oaths of honeſt & lawful men of the ſame Province, who they were that then had ſafeguard and preſervation by thoſe banks and Sewers againſt the Sea, and ought to repair the ſame: and alſo to diſtrain all thoſe that were Land-holders within the Wapentake of **Ellowe**, for to repair the ſame Banks, Ditches, *&c.* ſo that every Acre might be equally aſſeſſed, whoſoever held the ſame: and being ſo repaired, to maintain them in ſuch ſort as they ought to do, according to the proportions of their Tenements. The like
q Pat. 3 E. 1. m. 21. in do. ſo. Commiſſion q had *Thomas de Frankton*, *John Beke*, and the before-ſpecified *Alexander de Monteſort*, in 3 *E.* 1. for the ſame Banks and Sewers.

r Plac. de Banco Octab. Trin. 3 E. 1. Rot. 8. *Linc.* In the ſame year, upon a pleading r, concerning the Banks, lying in a certain place called **Cadenham toft**, it was found that they were in very good repair.

s Pat. 6 E. 1. in dorſo m. 9. t In *6 E.* 1. there was a complaint t made to the King, on the behalf of *Henry de Lacy* Earl of **Lincolne**, that he had received extraordinary damage within his Lordſhip and Lands in **Swaneton**, by inundation of the fenns betwixt **Swaneton** and **Dunnington**; and other Towns adjacent, by reaſon that the Sewers, Ditches, and Gutters, which had wont to be there in the time of his Anceſtors, were then obſtructed, and the Bridges in ruine, through the default of thoſe that ought to repair them: The ſaid King therefore aſſigned s *Raphe de Hengham* and *William de Norburgh*, to enquire who ought to repair the ſame, and to diſtrain them thereto. s **Holand.**

The next year following, upon information u that the Inhabitants within
u Pat. 7 E. 1. m. 8. in
w do. ſo. the Wapentake of **Kirketon** had ſuſtained much loſſe by the overflowing of **Hault hundre fen**, in the ſaid Wapentake, in regard that the Sewers, Ditches and Gutters, formerly there, were then obſtructed, and the bridges decayed, by means of a certain controverſie, which had long been betwixt *John de Britaine* Earl of **Richmund**, and *Robert de Grelly*, touching the meres and bounds of that Fen; and through the default of thoſe who ought to have repaired thoſe Sewers, Ditches, *&c.* the King therefore appointed w *John Beke*, and *N. Stapleton* to enquire thereof *&c.*

VVhat was done therein I find not; but the next year following, the King, by the advice of his Juſtices, commanded *John Beke*, *N. de Stapilton*, and *Roger Loveday* to enquire * who ought to re-
* Ex Regiſt. de **Spalding** penè. *f. b.* *Oldfeild* Arm. 255. a. pair the Bridge called **Peccebrig**, and the two Bridges in **Spalding**; who finding by Inquiſition, that the Abbot of **Croyland**, the Prior of **Spalding**, and all men holding lands in **Spalding** were obliged to the repair of them, according to the proportion of land which they held in the ſaid Town, ſo that every acre were aſſeſſed alike, ſummoned the Prior of **Spalding** and all the Free-holders in **Spalding** to come before them: who all of them, excepting the Abbot of **Crouland**, appeared, and conſented for themſelves, their ſucceſſors and heirs, to repair and maintain thoſe Bridges, according to the quantity of their lands that they had there; provided that the ſaid Abbot would do the like for his. And becauſe the ſaid Abbot abſented himſelf, and refuſed, command was given to the Shireeve, that he ſhould ſummon him to appear before the Commiſſioners before-ſpecified, at **Boſton**, upon the Eve of S. *Laurence*. At which time he accordingly came; and in the preſence of *Raphe de Hengham*, *J. de Metingham*, *W. de Burenton*, and *Roger de Leiceſtre*, agreed for himſelf and his ſucceſſors, to do as the ſaid Prior had done; *viz.* that they, with the conſent of the Free-holders of **Spalding**, would

repair

Holand repair and maintain those Bridges, according to the proportion of their lands in that Town; so that every Acre should be assessed alike, of the demesnes aswell new as old, and of the Villenages: And that if any shops or stalls should be built upon the said Bridges, all the benefit arising by them should redound to the repair and maintenance of the same.

In 12 *E.* 1. *John de wigetoft*, having commenc'd a sute against *John* the son of *Osbert de Swyneheved*, and divers others, for making of Ditches in the said Fen, called **Haute hundre fen, Swyneheved, Wyktoft, Sotterton, Algerkirk, Kirketon, Fraunkton, Wyberton** and **Skybek**, so that he could not drive his Cattel to the said Fen; desired [x] license to withdraw his sute: which was granted.

[x] Plac. coram. Rege apud *Linc.* term. *Hill.* 12. E. 1. rot. 12. *Linc.*

About two years after after this, there was * a great inundation in these parts, at which time the most of **Boston** was drowned: and the Monastery of **Spalding** suffered much loss.

* *Lel.* Coll. vol. 2. p. 381

The King therefore having advertisement, that excessive damage had befallen this Province by the want in repair of the Causey called **Holand** Causey; and by the decay of the Banks, Ditches and Sewers in these parts, gave special command * to *John de Vaux*, and his fellow Justices itinerant in this County of **Lincolne**, that they should search their Rolls, and send unto him, aswel such Inquisitions as had been made by them, touching the repair of that Causey, Banks, Ditches *&c.* as those which were taken by *Martin de Littelbury*, and his associates, *Gilbert de Preston* and his; as also of other Justices itinerant in this County, in the time of King *Henry* the third. Who did accordingly: which Inquisitions, so transmitted, as aforesaid, did then remain in the custody of Sir *Raphe de Hengham*, upon a certain file of Records of the xx^th^ year of this Kings reign. Upon perusal whereof by the Justices of the Common pleas, they thought not fit to proceed to judgement; nor to cause any distresses to be made; because it did not appear, by what had been done therein, that any of the parties consented thereto, but rather that they were taken in their absence: for which respect they deemed it necessary, that all such persons, as were concern'd in that businesse, should appear in Court, that the matter might be argued and determined in their presence. And because they thought, that it would be too much trouble and inconvenience for so great a number of people to appear before the King, whersoever he might then be in this Realm; and therefore that it might be better to have the same discussed in these parts; the said King, did by the advice of those his Justices itinerant, direct his precept unto *John Beek*, *Nicholas de Stapilton*, and *Roger Loveday*, that they should enquire, who ought to repair those Banks, Ditches, and Bridges, and to distrain them thereto.

[p] Ex præf. Regin. de **Crouland** per è *Joh. Oldfeild* arm. f. 42. 1.

Who accordingly making Inquisition, first concerning the bridge, called **Pekkebrig**, and then of the two bridges in **Spaldyng**; and finding, that the Abbot of **Crouland**, the Prior of **Spalding**, and all the Land-holders in **Spalding**, were obliged to those repairs, according to the proportion of land, which each man had in that Town, so that every acre were alike; did thereupon summon the said Prior of **Spalding**, and the whole number of the free-holders in that Town: All which, excepting the said Abbot, appeared; and agreed for themselves, their successors and heirs, to repair and maintain those Bridges, according to the quantity of their lands in that Town, though the said Abbot would not consent thereto, for his portion. And because the said Abbot did absent himself and refused; the Shireeve had command to give him special summons to appear at **Boston**, upon the Eve of S. *Laurence*: at which time he came thither before the said Commissioners; and in their presence, as also in the presence of *Raphe de Hengham*, *J. de Metingham*, *W. de Brumpton*, and *Roger de Leycestre*, accorded, for himself and his successors; that they, with the assistance of the Inhabitants of **Spalding**, would repair and maintain the said Bridges, according to the proportion of land, which each of them had in that Town; so that every acre might be assessed alike of the demesnes aswell old as new, and of those held in Villenage: and that if any shops or stalls should be built or planted upon those bridges, all the profit arising thereby, to be imployed in their repair.

In

In 15 *E.* 1. *W. de Carleton* and *Will. de Candlesby* were conſtituted * Commiſſioners to enquire through whoſe default the Sea-banks in this Province were in decay, and ſo conſequently broken, by the violence of the tides, to the great damage of the Inhabitants, much of their low grounds being thereby drowned.

* Pat. 15 E. 1. m. 14. in do. ſo.

And by an Inquiſition † taken at **Scoft**, near **Trokenhou**, before *Simon de Elleſworth*, and his fellow Juſtices, upon Monday next after the feaſt of the *Epiphany*, in the *xxii*th year of the reign of the ſaid K. *Ed.* the firſt; it was found, that the Towns of **Tid**, and **Sutton**, in this Province of **Holland** (in **Lincolnſhire**) and of **Tid**, **Neuton**, and **Leverington** in the County of **Cambridge**, could not be preſerved, except the freſh water of **Scoft** neer **Trokenhou** were reſtrained unto the bredth of four foot: and that the ſame water hath no iſſue towards the Sea, except by a certain Gutter, in bredth three foot and an half: therefore it was conſidered, that the ſaid Towns, according to the number of their Acres belonging to every Inhabitant, ſhould reſtrain the ſame, in manner aforeſaid, and defend the ends of thoſe Towns abutting on the Fen: And there was a day aſſigned for making ſuch a reſtriction (or Dam) upon the borders of both Counties, within the Quinzime of the *Epiphany* then next enſuing, upon the penalty of *CC* l.

† Ex Regiſt. de **Spalding**, penes *Joh. Oldfield* Arm. f. 356. a.

And at the ſame time the Jurors for the County of **Lincolne** did preſent; that there was a certain Gutter made in the Town of **Multone**, called **Bolleſgote**, and that it ought to be repaired by the men of that Town, according to the number of their Acres for the quantity of what they held: it was therefore commanded that the ſaid Townſmen ſhould repair that Gutter, in form aforeſaid, before *Whitſontide* following, upon pain of an *C* l.

And on the *Thurſday*, being the Eve of S. *Barnabas* the Apoſtle, at the ſuggeſtion of ſome of the Country, came the ſaid *Simon*, and his fellow Juſtices, to view that reſtriction, and to enquire by thoſe Jurors, what had been done upon the Ordinance aforeſaid: Whereupon it was then preſented; that the Sewer which led from thence unto the Sea, betwixt the Counties of **Cambridge** and **Lincolne**, ought to be enlarged to the bredth of twenty foot; *ſcil.* ten foot on the **Lincolnſhire** ſide, and ten on the **Cambridgſhire** ſide: And becauſe it was found by the Jurors, that the ſaid Ordinance for that reſtriction before-mentioned, could not be obſerved, as it ought to be, by reaſon of the exceſſive flouds of water; it was decreed, that aſwell the Dam, as the Sewer, ſhould be repaired by the view of thoſe Jurors, as it had been ordained, before the Feaſt of S. *Peter ad Vincula*, then next following, upon penalty of C l. every Town adjoyning upon the ſame Sewer making good their particular proportions abutting towards them. And *Adam de Tid*, with other the Inhabitants of **Tyd**, came and condeſcended, that they would, for what they held, according to the number of Acres, repair and make good the Banks of **Sutton** Marſh, betwixt **Scoft** and **Geveney**; provided that they were not chardged with their Acres lying in **Tid** Marſh, before the ſaid Marſh was defended by the Sewer and Dam before-mentioned.

Holland.

In 21 *E.* 1. the Abbot of **Peterborough** brought an Aſſiſe of *Novell diſſeiſin* againſt *Ranulph de Rye*, *Philip Phiket* and others, for putting him out of poſſeſſion of his freehold in **Gosberkirk**, *viz.* of *xl.* acres of Marſh with the appurtenances: whereunto the ſaid *Ranulph* and the reſt of thoſe defendants pleaded, that the ſaid Abbot had brought his action againſt them unjuſtly; becauſe he was not ſeiſed at all of the premiſſes. And they farther ſaid, that the Cuſtome of that Country was ſuch, that whenſoever the Sea, did by its raging, overflow any mans lands; and meeting with any reſiſtance, or upon its going back, waſte away any of the ſaid Land, and make a hollow place, no man ought to fill up that place; but to cleanſe, and drain it for the common benefit of the Country; and ſo to let it remain in the ſame condition that the Sea firſt left it.

† Ex Regiſt. de **Peterborough** quondam penes *Rob. Winefield* Eq; aur. f. 156. a.

And they moreover ſaid, that about *xviii.* years then paſt, the Sea did make ſuch an hollow in the Land of the ſaid Abbot; which ſo continuing for a long time; they did afterwards drain it, according to that Cuſtome, without doing any injury at all. Where-

Holand Whereunto the Abbot replyed, that the ſaid *Ranulph* could not, under colour of any Cuſtome excuſe himſelf; for he ſaid, that the place before-mentioned, was his own ſeveral ground; and that it was not lawfull for any man to dig in another mans land; nor drayn the ſame, without the leave of the owner; excepting only one Ditch which lay in the confines of the two Hundreds of that Country, called **Sotecrike**; which Ditch, whoſoever had a mind to do it, might drayn it and ſcour it, at their pleaſure. And he alſo ſaid, that the above-mentioned *Ranulph*, had in his own particular land made a certain Ditch, whereby the ſaid Abbot was hindred from coming to his Marſh: and this he deſired might be enquired of *&c.*

VVhereupon the Jurors delivered in this verdict; *viz.* that the place before-mentioned was the ſeveral ground of the ſaid Abbot, in which no perſon, without his leave had any thing to do: And that there had been a kind of Ditch there, which was *xl* years before filled up, and then reduced to firm ground. And they ſaid, that there did happen in that very year, ſuch a floud in thoſe parts, aſwell of the freſh water as from the Sea, that it broke the Abbots bank at each end thereof; which breach he the ſaid Abbot did make up, as it was well lawfull for him to do. And they ſaid, that the before-ſpecified *Ranulph*, and the other defendants, afterwards made a Ditch of ten perches in length, upon the ſoyl of the ſaid Abbot, againſt his leave; and did exclude him from coming to that Marſh. Wherefore the ſaid Abbot had judgement to recover his ſeiſin, and *xx* ˢ. damage.

The next year following, the King being advertiſed [z]; that, by reaſon of the more than ordinary bredth of the River of **Shoſt**, neer **Trokenhout** (which is in the confines of this County and **Cambridgſhire**;) and likewiſe through want of repair of the Banks, Ditches, Gutters, and Sewers in thoſe parts, great loſſe had hapned to the Inhabitants thereabouts: the King therefore, to contract the ſaid Chanel, for the more ſecurity of the Country, and for repairing thoſe Banks and Ditches, did aſſign [a] *S. de Elleſworth*, *R. de Chadeworth*, and *R. de Coupledik*, to enquire aſwel by the Oaths of Knights and others of the ſaid Counties, of the courſe of that ſtream, as of thoſe Banks, Ditches, Gutters, and Sewers before-mentioned; who they were that poſſeſſed Lands and Tenements thereabouts, and had or might have benefit by the contracting of the ſaid Chanel, and repair of the Banks and Sewers aforeſaid; and to diſtrain them thereto for the proportion of their ſaid Lands and Tenements, according to the number of Acres; ſo that no favour ſhould be uſed therein either to rich or poor.

[z] Ex Regiſt. de Croyland per *Joh. Oldfeild* arm. f. 49. 2. [a] Et Pat. 22 E. 1. m. 28. in dorſo.

Upon which Enquiry, the Jurors delivered this following Verdict; *viz.* that the Towns of **Tydd** and **Sutton**, lying in **Holand** in this County; and **Tidd**, **Neuton** and **Leverington** in **Cambridgſhire**, could not be preſerved from damage, except the ſaid ſtream of **Shoſt** (neer **Trokenhout**) were reſtrained to the bredth of four foot, ſo that it might not run towards the Sea, but by a Gutter in wideneſſe three foot and an half: therefore it was concluded, that the Towns before-mentioned ſhould ſtreighten the ſaid Chanel, according to the proportion of their lands in thoſe Towns; and likewiſe defend the hades of thoſe Towns, abutting upon the fen: And a day was thereupon given them to make the ſame Chanel of that narrowneſſe, *viz.* within the *xv* of the *Epiphany*, under the penalty of *CC* ˡ.

And the before-ſpecified Jurors farther ſaid, that there was a certain Gutter made in the Town of **Multon**, called **Bollisgote**, which ought to be repaired by the Inhabitants of that Town, according to the number of acres which each man held: therefore ſummons was given them to perform the ſame accordingly, in form aforeſaid, before *Whitſontide* following, upon pain of an hundred pounds.

But upon *Thurſday*, which was the Eve of *S. Barnabas* the Apoſtle, at the requeſt of ſome of the Country, the Commiſſioners above named, came to view the before-ſpecified Chanel, and to enquire by the ſaid Jurors what was done in order to their Decree. Where being met, the Jurors preſented, that the Sewer which led to that ſtreightning, down to the Sea, lying betwixt both the Counties above-mentioned, ought to be enlarged to *xx* foot in bredth, *viz.* on each

ſide

ſide ten foot. And becauſe it was found by the ſaid Jurors, that the before-ſpecified Decree for that ſtraightning of the Chanel abovementioned, could not be done within that time prefixed, as it ought to be, in reſpect of the great abundance of water, it was reſpited till the feaſt of S. *Peter ad Vincula* (commonly called *Lammas*:) and ſo likewiſe was the making of the ſaid Sewer; and that each Town adjoyning to the ſame Sewer ſhould make it, ſo far as their Land did extend. And thereupon came *Adam de Tydd*, and other of the Inhabitants of **Tydd**, and conſented to make and repair, the Ditch of **Sutton** Marſh, betwixt **Schoſt** and **Sedeney**, according to their number of Acres; provided that they might not be chardged for their Land lying in **Tyd** Marſh before the ſaid Marſh was defended by thoſe Sewers, and ſtraightning that Gutter of **Schoſt**.

b Ex Regiſt. de **Peterborough**, penès præfatum *Rob. Wingefelde* Eq; aur. f. 161. a.u.

In 23 *E.* 1. upon an Inquiſition [b] taken at **Gosberchirche** within this Province of **Holand**, on *Friday* in **Whitſon week**, before *Adam de Crokedayk* and *William Inge*; it was found, that all the Landholders within **Donyngton**, in this Province, ought, according to the proportion of what they held, repair and maintain the Cauſey of **Holand**, with little Bridges; and likewiſe Ditches on each ſide thereof; from the ſaid Town of **Donyngton** to the new Ditch. And that the Prior of S. *Saviours* ought to repair and maintain the ſame, in manner as aforeſaid, from the ſaid Ditch to the Town of S. *Saviours*; in regard that the ſaid Prior had Lands in that Town worth xx^l. a year for the repair thereof. And it was then preſented by the ſaid Jurors, that there were very many defects, at that time, in the ſame Cauſey, for default of its repair by the ſaid Prior and Inhabitants of **Donington**; and moſt of all for want of Bridges, which had been carried away on each ſide of that new Ditch.

And they alſo preſented, that the Sewers of **Scathegarſt**, **Swyneman dam**, and **Swane lode**, ought and had uſed to be *xvi.* foot in bredth; and ſo deep, as that the water might have a free paſſage; and repaired by the Town of **Donyngton**, unto the River of **Byker**, which runneth to the Sea: and to be opened from the firſt day of *March* untill the Feaſt of S. *Martin*; and ſo likewiſe from the ſaid Feaſt of S. *Martin* to the firſt day of *March*, except there ſhould happen to be ſuch an abundance of water at that time, that the Sewers could not ſuffice, but that this Province of **Holand** would be drowned: and in ſuch caſe, that it ſhould be lawfull for them to ſtop the ſaid Sewers, opening them again at the ceaſing of thoſe inundations. **Holand.**

And they ſaid, that for default of repair of thoſe Sewers, there was then great damage in the Common Marſh adjoyning; and that then, through the ſurpluſage of water, thoſe Sewers were ſtopt, and not by any other means. And they alſo ſaid, that the before-mentioned Chanel of **Byker** ought to be repaired by the ſaid Town of **Byker**, as often as need ſhould require; and that it was not then ſo deep as it had uſed to be, for carrying away the water of the ſaid Sewers.

And they ſaid moreover, that the Sewer of **Quadring Ee** had a Gutter; and that the ſame Sewer ought to be of the before-ſpecified wideneſſe and depth, and to be repaired by the Town of **Quadring**: and that it was ſtopt up by the ſame Town, three years paſt. And that the Sewer of **Riſgate** had Gutters, which ought to be repaired and maintained by the Towns of **Gosbercherche** and **Ryſgate**; and that it was obſtructed by *Ranulph de Rye*, towards the Marſh, but four days ſince: and likewiſe that it ought to be of the ſaid bredth and depth: And that there ought to be a Sluſe betwixt the Marſh and it, of ſixteen foot wide; and alſo to be open in ſuch ſort as the Sewer of **Scalegarſt**, unleſſe there ſhould happen to be ſo great an inundation as aforeſaid; but that ceaſing, then to be opened. And that the courſe of that Sewer, which towards the Sea was called **Newe Ee gate**, had wont antiently to run, directly, through the midſt of the Marſh in **Gosbercherche**, belonging to the Abbot of **Peterborough**, untill thirty ſix years before, that by the flowing of the Sea, and the freſh waters, it became obſtructed: & thereupon by force made it ſelf another current, which it then held.

Holand. And they likewiſe ſaid, that aſwell the water of the Sea, as the freſh, began about three years then paſt to goul the antient Chanel; and that the beforementioned Abbot diſcerning the ſame, repaired it, for the ſafeguard of his own land.

And the ſaid Jurors being asked, whether that the Chanel which the water had at that time, was ſufficient for the delivery and evacuation thereof; anſwered, that it was: but they ſaid, that the antient courſe thereof, would be more proper and beneficial than the current which it then had; becauſe it might be repaired with the leſſe chardge, running in a ſtraight line, than by a circuit and crookedly, and ſooner diſchardge it ſelf. But whether it went in the old, or the new Chanel, they affirmed, that it ought to be repaired and maintained by the Town of **Gosbercherche**.

And being enquired of the damage which the Abbot might ſuſtain, in caſe the ſame water ſhould be reduced into it's antient Chanel; they ſaid that he would loſe fourſcore acres of marſh; in regard he could have no way to it by reaſon thereof.

And they ſaid moreover, that the Sewer of *de la Beche* ought to be three foot in bredth, and as much in depth, at the head thereof towards the ſaid Marſh; and lower, towards the Sea, *xvi* foot in bredth; and whereſoever it was to be narrower, to continue the ſame depth as aboveſaid; and that it ought to run all the year long; but was obſtructed in the time of K. *Henry* the third, father to the King that then was, by *Henry de Bathe* (at that time a Juſtice Itinerant) which obſtruction was continued till that time, by the Towns of **Gosberchirche**, **Pinchebec**, and **Surflet**: and that it ought to be repaired and maintained from the ſaid Marſh to **Surflet**; on one ſide by the Town of **Pynchebec**, and on the other by the Town of **Gosberchirche**, and thence to the Sea, by the Town of **Surflet**; and that it ought to run at all times of the year, except in ſuch great inundations as aforeſaid.

And they ſaid, that the River of **Surflet**, into which the **Beche** did deſcend, ought to be in wideneſſe *xvi* foot; and that it was then ſo ſtraightned by the men of **Surflet**, and raiſed to ſuch an height, that the water of **Beche** could not have it's current to the Sea as formerly.

And they ſaid alſo, that **Hachelode** was a common Sewer, and ought to run at ſuch times as **Scathegarſt** did; and that it was obſtructed in the time of Prior *William*, Predeceſſor of the then Prior of **Spalding**, and did then ſo continue. And that it ought, at it's entrance from the Marſh, to be one foot wide, and as much in depth; but lower to be ſix foot in bredth, as far as the Sea; and repaired by the Town of **Pinchebec** till it came to the Sea.

Likewiſe that **Baſtone Ee** ought to be repaired by the Towns of **Baſtone**, **Turleby**, **Obbesthorpe**, and **Wynelisthorpe**, from **Katebrigge** to **Eſcote**; by raiſing of the Banks, and clenſing on each part, by the Towns of **Pynchebec** and **Eſcote**, unto **Surflete**; and by the Town of **Surflete** to the Sea: which Banks did at that time want much repair and raiſing higher.

Alſo that **Brunne Ee**, **Tolhou**, and **Blakekyrk**, ought to be repaired, raiſed and ſcoured by the town of **Brunne**, from **Brunne** to **Goderameſcote**, on the North ſide; and on the South to **Merehirne**: from which places, *viz.* **Goderameſcote** and **Merehirne**, the Town of **Pyncebek** ought to repair it, unto **Surflete**; and the ſaid Town of **Surflete** from thence to the Sea: for default of which repair, great damage was then ſuſtained.

Alſo that the Sewer of **Briggeflecter** was then obſtructed by the Town of **Helytone**; and that it ought to be repaired, clenſed, and maintained by that Town to the River of **Swyneſheved**; whence that River was ſufficient for conveyance thereof to **Kyme mouth**; where it was then obſtructed by *Philip de Kime*, to the great damage of the Country.

And that the Sewer of **Encloufe**, neer **Boſton**, ought to run all the year long; but was ſtopped every winter by the Inhabitants of **Boſton**, on the Weſt part of the Bridge there; and that it ought to be three foot in bredth.

Alſo that the Sewer of **Long Drove**, was then in good repair, and ought to be maintained by the Town of **Pinchebek**.

And

And they ſaid moreover, that **Bollesgate**, in **Bulton**, was a common Sewer, but then ſtopped: and the Gutter, called **Gote**, carried away by the Inhabitants of that Town.

It was therefore decreed, that the ſaid Cauſey and Ditches ſhould be repaired and made anew, at the chardges of the before-ſpecified Town of **Donyngtone**; the ſaid Prior to be chardged according to his proportion, as aforeſaid.

And as to thoſe Sewers of **Scathegall, Swyuemandam,** and **Swanelode**, that they ſhould be opened and repaired to the ſaid River of **Byker**, in bredth *xvi* foot, and of ſuch a depth, as that the current of the water paſſing through them, might not be hindred; and all this to be done at the chardge of that Town. And that the ſaid River be repaired by the Town of **Byker**, and made of ſuch a depth, as that the water of the before-ſpecified Sewers might paſſe away. And that the Sewer of **Quadringe**, and the Gutter belonging thereto, be cleared and repaired, as formerly it had wont to be; and of the ſame bredth and depth, at the chardges of the ſaid Town; and the ſaid Town to be amerc'd.

And that the Sewer of **Ryſgate**, which had been obſtructed by the ſaid *Ranulph*, ſhould be opened at his chardge; and he to be amerc'd.

And that the ſaid Towns of **Gosbercherche** and **Ryſgate** ſhould thenceforth be diſtrained to the repair and maintenance of the ſame Sewer, in form aforeſaid; and to the making anew of the Sluſe there, to the bredth of ſix foot, as aboveſaid.

And as to the current of **New Ee gate**, *Gilbert de Sutton*, Steward to the ſaid Abbot of **Peterborough**, and *John de Trikyngham*, a Monk of that houſe, were appointed to give notice to the ſaid Abbot, that he might appear before the above-ſpecified *Adam* and *william* at **Weſtminſter**, upon Wedneſday next after the *xv* of S. *John Baptiſt*.

And that the Sewer of **Beche** ſhould be opened and repaired (ſo that it might have the like depth and bredth, and run throughout the whole year, as it had uſed to do) at the chardge of the Towns of **Gosberchirche, Pyncebec**, and **Surflete**, as aforeſaid. And that the River of **Surflet**, into which the **Beche** falleth, to be widened and deepned, ſo as it might be *xvi* foot in bredth, and ſo deep, as that the water might have it's courſe therein as formerly: and to be done at the chardge of the ſame Town of **Surflete**. **Holand.**

And that the Sewer of **Hachelode** ſhould likewiſe be clenſed, and run throughout the whole year; and at it's entrance from the Marſh to be one foot in bredth, and as much in depth; but lower, towards the Sea, ſix foot in bredth: and to be repaired at the chardges of the ſaid Town of **Pynchebec**, which ought to maintain the ſame.

As alſo, that **Baſton Ee** be repaired, clenſed, and raiſed, in the Banks and otherwiſe, as it had wont to be, at the chardge of the Towns of **Baſton, Turleby, Dothorpe**, and **Wyvelesthorpe**. Likewiſe, that **Bunne Ee, Tolhou**, and **Blakekirk** be repaired, clenſed and maintained by the Towns of **Bunne, Pyncebek**, and **Surflet** in form aforeſaid, and at their chardges.

And that the Sewer of **Buggeflet**, which was obſtructed by the town of **Hokyntone**, be opened at the chardge of that town, and the ſaid town to be amerc'd. And that the Sewer which was ſtopped up at **Kyme mouthe**, by *Philip de Kyme*, be opened, at the coſts of the ſame *Philip*, and he to be amerc'd. And that the Sewer, called the **Enclule**, neer **Boſton**, be opened every Winter by the ſaid Town, on the Weſt ſide of the Bridge; and the ſaid Town amerc'd. And laſtly, that the Sewer of **Bollesgate** and **Bolton**, which was obſtructed by that Town, be alſo opened at the chardge thereof, and the ſaid Town amerc'd.

In the ſame year *Will.* de *Shaddeworth* and *Hugh de Walecote* were conſtituted [c] Commiſſioners to view the Banks, Ditches and Sewers in this Province, and to take order for their repair. The like Commiſſion [d] in 28 *E.* 1. had *Will. Haward* and *Thomas de Burnham*. So alſo in 33 *E.* 1. had [e] *Robert de Hakebeche, Raphe de Littylbury* and *Giles de Barentone*.

[c] Pat. 23 E. 1. m. 4. in dorſo.

[d] Pat. 28 E. 1. m. 23. in dorſo.

[e] Pat. 33 E. 1. m. dorſo. m. 18.

And in King *Edward* the Second's reign there iſſued out very many Commiſſions to the ſame purpoſe; *viz.* [f] in 4 *E.* 2. to *Thomas de Newmarch, Alan de*

[f] Pat. 4 E. 2. p. 1. m. 18. in dorſo.

Holand

Ratheby, *Richard de Haddele*, and *Gilbert Rembaud*, for the view and repair of those in the Wapentake of **Kirton**.

[f] Pat. 6 E. 2. p. 1. m. 24. in dorso.

In 6 *E.* 2. to [f] *W. de Friskeney*, *R. de Cubbledyke*, *J. de Stikeneie*, and *A. de Cubledyk*, for those in the Wapentakes of **Kirketone** and **Skirbeche**, and the parts adjacent.

[g] Pat. 7 E. 2. p. 1. m. 9. in dorso.

In 7 *E.* 2. to [g] *Roger de Cubeldyk*, *Laurence de Holebeche*, and *Walter de Freskeneye*, for those only upon the Sea coast in this Province. The like in 8 *E.* 2. to [h] the said *Roger*, *Laurence*, and *William de Farforde*.

[h] Pat. 8 E. 2. p. 2. m. 4. in dorso.

† Ex Regist. de **Spalding**, penè *Fen. Oldfield* Arm. f. 257. a.

In 9 *E.* 2. upon an Inquisition † taken at **Boston**, before *Edmund Deincourt*, *Lambert de Trikingham*, *Roger de Copildik*, and *Robert de Malbirthorp*, then Justices of Sewers, upon *Tuesday* next after the Feast of the *Exaltation* of the *Holy Cross*, it was found, that the Town of **Donington** ought to repair and maintain the Causey of **Holand**, with Bridges, and Ditches on each side thereof; *viz.* from the said Town of **Donington**, unto the new Ditch: and from the said Ditch unto the Chapel of *S. Saviours*, the Prior of *S. Saviours* ought to do the like.

And it was likewise found, that the said Town of **Donington** ought to repair the Sewers of **Scoftgraft**, **Swinemandam** and **Swanislad**, to the bredth of *xvi* foot, and of such depth, that the current of the water should not be hindred, unto the River of **Biker**, which leadeth to the Sea; and that they ought to be open, from the first day of *March*, untill the Feast of *S. Martin* in Winter; and likewise from the Feast of *S. Martin*, untill the first day of *March*, unless so great an inundation of the Sea-water should happen at that time, that the Sewers would not suffice to carry it away, but that the Country of **Holand** would be overflowed; and in case of such floods, that the town of **Donington** might stop those Sewers, and upon the fall of the waters, open them again: And it was found, that the said Sewers were then stopt, for want of clensing by the said Town of **Donington**.

And it was further found, that the said town of **Biker** ought to repair and clense the said River of **Biker** unto **Bondistac**; and from **Bondistac** to **Quadring**, the said town of **Donington** to do the like, to the bredth of *xxiiij* foot. And that the town of **Quadring**, with the Commoners thereof, ought to scour and repair the same River unto **Gosberchirch** to the same bredth: and the town of **Gosberchirch** to do the like, according to the same bredth, unto the Sea, so that the fresh waters might not be hindred by the said Rivers and Sewers.

And it was also found, that the River of **Biker** was then obstructed from **Bondistake** unto the Sea, through the default of clensing it by the town of **Donington** and **Quadring** and the Commoners of **Gosberchirch**: And that the said River of **Biker**, where the Dam was, ought to have been open all times of the year; but that it would be more proper, that the said town of **Biker**, for their own benefit, and commodity of the whole Country, should make a certain Clow, with two dores, each of them four foot in bredth, which Clow to be always open, unless a great inundation of the Sea should happen.

And it was moreover found; that the Sewers and Gutters of **Quadring**, being then obstructed by the town of **Quadring**, and the Commoners thereof, ought to be *xvi* foot in bredth, and of such depth, that the course of the water might not be hindred; and repaired and clensed by the said town and Commoners. And that the Sewer of **Golberchirche**, called **Risgate**, and the Sluce betwixt the Fen and it, which ought to be open throughout the whole year, as **Scatisgraft** and **Swannislade** used to be, were obstructed by the Abbot of **Peterborough** and the town of **Gosberchirche**; and that the town of **Gosberchirche**, with the Commoners thereof, ought to clense, repair and new make the said Sewer and Gutter, called **New gote**, and the Sluse whereby the water did antiently passe, directly through the midst of the said Abbots marsh.

And it was likewise found, that the Sewer of the **Beche**, which ought to be scoured and clensed by the towns of **Golberchirch**, **Surflet**, and **Pinchebec**, from the Fen to **Surflet**, and from **Surflet** to the Sea, was then obstructed through the default of those towns: and that one *Richard de Heddil*, had raised a Dam in the said Sewer, whereby the course of the water was hindred.

And

And it was alſo found, that the Sewer of **Biggeſlet** was then obſtructed by the town of **Hekyngham**; and that it ought to be amended by the ſaid town, unto the River of **Swineſheved**, and that there the River was ſufficient to carry away the water unto **Kyme mouth**, which was at that time ſtopped by *Philip de Kime*, to the great damage of the whole Country.

And that the Sewer called the **Encluſe**, neer **Boſton**, ought to run for the ſpace of the whole year, but was then obſtructed in the Winter ſeaſon by the Inhabitants of **Boſton**, on the Weſt part of the Bridge; and that it ought to be three foot in bredth, and repaired by the town of **Boſton** on the Weſt part of the Bridge.

Likewiſe, that the Sewer, called **Hamundbek**, on the South end of **Boſton**, was then alſo obſtructed by the Inhabitants of that town, on the Weſt part of the Bridge, and the Inhabitants of **Skirbek**: and that it ought to be repaired by the ſaid men of **Boſton** ſo inhabiting on the Weſt of the Bridge, and the men of **Skirbek**: and for that reaſon all the ſaid Inhabitants reſiding on that Weſt ſide of the Bridge, ought to Common in the **Eight hundred fen**; and that this Sewer ought to run by the ſpace of the whole year.

And that the Inhabitants of the Eight Hundreds ought to cleanſe the River of **Swyneſheved** from **Walberdesbothe**, unto the North end of **Swyneſheved** town; and the town of **Swyneſheved** to do the like, from the ſaid place unto the River of **Biker**.

And moreover, that the towns of **Iwardeby** and **Dusthorp** ought to repair and maintain the South ſide of the water, called **Apiltreneſſe**, unto **Kime**, and that it was then in decay, through the default of the Prior of **Haverholme**, who ought to repair a great part thereof, and did refuſe ſo to do. And that *Philip de Kime*, who ought of right to repair a certain portion of the ſide at **Watemouthe**, did not do it; inſomuch as through the default of the ſame Prior, and of the ſaid *Philip de Kime*, the whole Fen of **Keſteven** in **Holland**, was overflowed and drowned, to the damage of all thoſe Countries. And it was likewiſe found, that the ſaid *Philip* ought to repair that current of the before-ſpecified water, and did neglect ſo to do, to the great damage of the Country, and eſpecially of the Priory of **Kime**. **Holand.**

And alſo that the Prior of **Haverholme** ought to provide a certain Boat at the **Bothe**, neer **Watemouth**, to tranſport foot-folks over that water, aſwell by night as day, ſo often as any man ſhould have occaſion to paſſe that way; and that he did not do it, to the great damage of paſſengers travailing there. And that the ſaid water was the common paſſage from **Keſteven** unto the River of **Wilhum**: And that the Ditch which is called the **Old hee**, lying betwixt **Holand** fen, and **Hekinton** fen, and **Kime** Fen, ought to be cleanſed and repaired by the Inhabitants of the Eight Hundreds of **Holland**, on the Eaſt part, and by *Henry de Beaumond* Lord of **Hekinton**, and the Commoners of **Hekinton**, and *Philip de Kime*, on the Weſt part: and from **Walbardesbothe** to the River of **Kime**, and that it was there obſtructed by *Philip de Kime*.

And it was then alſo preſented, that the Town of great **Hale**, with the Commoners, ought to repair and maintain the Cauſey of **Gerwik** unto **Pingelhirne**, both for Horſe-men and Foot-folk: And that the Town of **Hekinton**, with **Gerdwik**, ought to cleanſe and repair the ſtream of **Eedwike** unto the water of **Swineſhed**, *viz.* unto **Walberdeſbothe**, and that it was not then done: but the half of the ſaid ſtream, unto the Park on the South ſide, the Parſon of **Hale** ought to cleanſe and repair.

And it was likewiſe then found, that **Burtonebrigg** was a common High way, and that the one half thereof ought to be repaired and maintained by the Town of **Burton**, together with the Cauſey on the North part; and the other moytie by the town of **Helpingham**, with the Cauſey on the South part, ſo that horſe & foot-folk might at all time paſs ſecurely there; and that it was then in decay.

And it was farther preſented, that the head of **Caresdik** was a certain ſtream which is called the **South Ee**, and ought to be repaired and cleanſed by the Town of little **Hale**, and the Commoners thereof on the one part, and by the Towns of **Helpingham** and **Biker**, unto **Gobion Bothe**, on the other part. And that **Hatchlode** was a common Sewer,

Holand. and ought to run at the same time that the Sewer of Scathegraft did; but was then obstructed by the Prior of Spaldyng; and that it ought at the entrance of the water from the Fen to be one foot in bredth, and as much in depth, and within by the Town to be of six foot in bredth to the Sea; and to be repaired by the Town of Pincebec to the Sea.

And moreover, that Baston hee ought to be clensed and repaired by the Towns of Baston, Thurlebi, Obthorpe, and Winelistorpe, from Calebrigge to Estcote, by raising of the Banks, and clensing the stream on each part; and from the Town of Estcote, through Pincebec, unto Surflete; and from the Town of Surflet to the Sea; which Banks did then stand in need of great repair and raising higher.

And that Brunne hold hee, ought to be repaired, raised, clensed, and maintained by the town of Brunne, and the Abbot of Brunne, from Brunne unto Goderamscote: and from Goderamscote the town of Pincebec ought to repair the same to Surflet, and the town of Surflet to the Sea; for default whereof all the Fen of Holand and Kesteven were overflown and drowned. And they lastly presented, that Bollisgote in Multon was a common Sewer, and became obstructed by the town of Multon; and that the Gutter, which was called the Gote, was carried away by the Inhabitants of that place.

In 10 *E.* 2. *Roger de Cubledik*, *Laurence de Holbeche*, and *Hugh de Gorham* were constituted [k] Commissioners for the view and repair of the Banks and Sewers, in the Marshes of Gedney, Holbeche, Sutton, and Flete.

[k] Pat. 10 E. 2. p. 2. m. 4. in dorso.

The next year following, the Abbot and Covent of Peterborough came to an Agreement [l] with Sir *Hugh de Cressey*, Sir *John de Ry*, *James de Bark*, and other the Inhabitants of Gosbercherche and Surflete, concerning a certain Sewer in the Marsh of Gosbercherche, newly made from that place which is called Newe Gote, directly to Salten Ee: the tenor of which accord was as followeth; *viz.* that the said Monks of Peterborough, did for them and their successors release unto the said *Hugh*, and the rest, and to their heirs, all the action which they had in respect of any trespasse done to them touching that Sewer. And moreover granted, that the said Sir *Hugh*, Sir *John*, and the rest of the Commonalty of the before-specified towns, and their heirs, should make the said Sewer, through the midst of that Marsh, *xx* foot in bredth, according to the Kings ell, as it then was; as often as there might be occasion for the same to run, for ever. And if it afterwards did happen, that it should be obstructed, either by the flowing of the Sea, or otherwise; that in such case the said Sir *Hugh* and the rest above-mentioned, and their heirs, might have power to clense the same to the before-specified bredth, with as little hurt or damage to the said Abbot and Covent, as might be, so that the said water might have it's passage as aforesaid.

[l] Ex præf. Reg. de Peterborough quondam penès *Rob. Wingfield* Eq; aur. f. 164. b

In the same year *Roger de Cubbeldyk*, *Walter de Friskeney*, and *Robert de Malberthorpe* were constituted [m] Commissioners for the view and repair of the Banks and Sewers in these parts of Holand. The like Commission [n] in 14 *E.* 2. had *Alexander de Montfort*, *Humphrey de Litlebury*, *Everard de Flete*, and *William de Fayreford*, for those upon the Sea coasts and parts adjoyning, betwixt Tidbriggge and Surflete brigge. So also in 15 *E.* 2. had [o] *Walter de Friskeney*, *Robert de Malberthorpe*, and *Roger de Cubledyke*.

[m] Par. 11 E. 2. p. 2. m. 15. in dorso.

[n] Par. 14 E. 2. p. 2. m. 11. in dorso.

[o] Par. 15 E. 2. p. 1. m. 25. in dorso.

In 16 *E.* 2. *Roger de Cubledyk* and *Alan de Cubledyk* were appointed [p] to view the Banks and Sewers betwixt the Bridges of Holand and Tid, and to take order for their repair.

[p] Par. 16 E. 2. p. 2. m. 7. in dorso.

The like assignation [q] had the said *Roger* and *Alan*, with *William de Faireford*, the year next ensuing, for those betwixt the Crosse of Wolmerstye and Tidbridge; and for the preservation of the whole Country of Holand, within the Wapentake of Ellowe; before whom the Jurors presented:

[q] Par. 17 E. 2. p. 2. m. 26. in dorso. Et Regist. de Spalding penès *Joh. Oldfield* arm. f. 159. b.

First, for the town of Pinchebec; that all the Sea-banks, and those of the Marshes, which were broken by tempestuous waves, should be repaired and made higher and thicker than they had formerly been: And that, at that time, there were many perches of those Banks, broken and ruinous, by reason, that the lands which were chardged with the repair of them, had long been in the hands of strangers: and therefore they deemed it necessary

ceſſary, that all the lands of the ſaid Town of **Pinchebec**, ſhould be ſurveyed anew; and after ſuch ſurvey, every man to be aſſeſſed, according to what he held.

And they alſo preſented, that the wa-
* Now **Glene** ter called **Bunne** * **hee**, which had it's courſe through the midſt of the before-ſpecified Town, unto the meſſuage of *Richard de Cheile*, ſhould thenceforth be ſtopt below the Weltres. And becauſe that could not poſſibly be done, by reaſon of the water coming from far, upon great falls of rain, againſt which the ſaid Town could not provide, except there were a reaſonable out-let made from the ſaid meſſuage to the Sea, by the River of **Surflete**, which was too narrow by *xx* foot; and that unleſſe it were widened to that proportion, the town of **Pinchbec** would be overflowed every year, in regard that the ſaid current ought to be larger at the out-let thereof, than at it's entrance: therefore, that thoſe Weltres ſhould be viewed, on both ſides from that meſſuage, by ſuch perſons who had the frontiers, unto the place called **Dounechirne**, on the South ſide of the ſaid River, unto **Watchirne**; and on the North ſide of **Douncechirne**, unto **Godramcote**, that they be new agiſted, and every man aſſeſſed according to the proportion of what he held; the Agiſtment antiently having been by Fees, and the reſidents upon thoſe Fees; which Fees, and reſidents, were then come to nothing, and far off; nor was it known in whoſe hands they were; inſomuch as every year, the Marſhes on each ſide the River were drowned.

And they ſaid, that the current of water, paſſing under every Bridge of that River, ought to be *xij* foot in bredth at the leaſt, it being then too narrow.

And they likewiſe preſented, that **Galwe gote** ought to be repaired anew by the ſaid town of **Pinchebec**, and all the Land-holders in **Spalding**, on the North ſide of **Weſtlode**; and that the Sewer thereof ought to be *xvi* foot in bredth; as alſo, that neither Flax or Hemp ſhould be watered in that Sewer, upon pain of forfeiture thereof.

And alſo that **Chillegote** did then want repair; and that the Sewer leading thereto ſhould be made in bredth *xx* foot, from **Buckſen gate** unto that Gutter,

And they ſaid, that the Sewer leading from **Galwe gate** unto **Chillegote**, under the bottom of the Sea-bank, by the town ſide, ought to be made twenty foot in bredth. And that the Sewer, paſſing to the Gutter of **Scobdyke**, within the Town, ought to be *xij* foot in bredth, unto **Loſtbridge**; and from thence unto the ſaid Gutter, to be *xx* foot in bredth. And that the Watercourſes, under every Bridge, beyond thoſe Sewers, ought to be made ſix foot in bredth, at the leaſt: and that the ſaid River, and all the Sewers of the ſaid town of **Pinchebec**, ſhould thenceforth be clenſed, and made of the before-ſpecified bredth, by the Inhabitants there, and all others who had benefit thereby, as often and whenſoever need ſhould require. **Holand.**

And they preſented moreover, that for preſervation of the Town of **Spalding**, the Sewer of **Peſeholme gote**, unto the old **Fen dyke**, ought to be ſcoured and repaired, as it had antiently uſed to be; *viz.* from the ſaid Gutter to **Capelbrigge**, twenty foot in bredth; and from that old current, unto the **Hergate**, eighteen foot: and from the **Hergate**, in the antient courſe, unto the **Old-Fen dyke**, in bredth *xvi* foot: and that the ſaid Gutter and Sewer were in decay, through the default of the Tenants of the Abbot of **Croyland**, and the Free-holders of the Prior of **Spalding**, and the Tenants of the Abbot of **Angiers**.

And the ſaid Jurors, by Decree of the before-mentioned Juſtices, did then value the ſeveral Acres of land, out of which the ſaid Sewers and all the other Sewers of that Town were to be enlarged, to the value of four Marks of ſilver, more than they had wont to be rated at. And they preſented, that **Coldale gote** ought to be repaired, and the Sewer belonging thereto, to be *xvi* foot in bredth. And that **Fulnegote** ſtood in need of repair, and the Sewer thereof to be *xx* foot in bredth from the Smal gate to the ſaid Gutter: And that the current of water, under every Bridge of the ſaid Sewer, was in bredth *xij* foot; and that thenceforth, neither Flax or Hemp ſhould be dieved in the ſaid Sewers, nor in any Sewers belonging to the ſaid town: and laſtly, that **Stelegote** ſhould be repaired in it's antient place.

And the ſaid Jurors farther preſented, that

Holand that all the Frontiers, from **Fulnegote**, unto the Abbot of **Croyland**'s Mill, in **Spalding**, were then broken, through the default of the Inhabitants there; and therefore it was ordained, that they ſhould be repaired, as antiently they had wont to be, ſo that Horſes with their Furniture might paſſe that way, *viz.* from **Peccebrigge** to **Coldealegote**, on the Eaſt ſide of the River; and from the great Bridge unto **Ratun Row**, on the Weſt thereof: And, that every man ſhould defend his Frontier with Piles aad ſtones, where need required.

And they ſaid, that the Road-way, leading from **Ratun Rowe**, unto the Houſe of *John fitz Simon*, ought to be ſo broad, as that two Carts might meet thereon; and therefore they decreed, that ſo it ſhould be: So likewiſe from the Houſe of *Emme Colin*, unto the Bridge of **Weſtlode** out-fall; and ſo to **Peccebrigge**: and from **Coldalegote** to the Abbots Mill: And that, of neceſſity, the Fen-bank, from the Abbot of **Croiland**'s Mill, unto **Pichale**, ſhould be raiſed two foot.

And that the great Bridge, called **Spalding brigge**, was then broken, & ought to be repaired at the chardges of the whole Town, aſwell religious as ſecular perſons; and in like ſort **Batemannebrigg** from **Weſtlode**. As alſo, that the Marſh Banks being then broken in divers places, ſhould be repaired; and afterwards a new Agiſtment made of them, becauſe many Lands and Tenements in that Town, were never Agiſted.

And they likewiſe ſaid, that **Halmergate**, **Newgate**, **Fulnedrove**, **Spaldingdrove**, and the **Old Fen dike** ought to be repaired; and that turf, for that purpoſe, be not digged in thoſe places, to the damage of the Commonalty, nor ..... And, that the **Hevidings** betwixt **Spalding** and **Weston**, abutting upon **Weston mere**, by the Frontiers; and to be made in thickneſſe *xij* foot, ſo that the waters of **Weſton** enter not into the fields of **Spalding**, by means whereof the fields of **Spalding**, on the Eaſt part of the River of **Spalding**, were drowned every year.

And they ſaid, moreover, that the Gutter of **Wike** was then broken, and ought to be repaired by **Weſton** and **Spalding**: And that **Colnergate** was alſo broken, and ought to be made; and likewiſe the Sewer to be *xij* foot in bredth.

And they alſo ordained, that all perſons dwelling neer to the Cauſeys in the Town of **Spalding**, and likewiſe in **Newgate**, were obliged to ſcour the Gutter, againſt it's breach. And that, thenceforth, Fiſher-men ſhould not prejudice the Common Sewers, by Lepes, Weeles, or other obſtructions, whereby the paſſage of the waters of **Spalding** and **Pinchbec** towards the Sea, might be hindred.

And they ſaid, that all the Ditches, carrying waters to the Common Sewers, ſhould thenceforth be opened, according to the Ordinance of the Wardens of **Spalding** and **Pinchbec**: And that, from thenceforth, no man ſhould ſtop the courſe of **Weſtlode**, by dung or the like, it being a Common Sewer: as alſo, that the Gutter, neer the Houſe of *Thomas Kaunt* in **Ratunrow**, ſhould be repaired, and the Sewer thereof, in bredth ten foot: and the Sewer of **Aufneſgote**, in bredth *xvi* foot.

And they likewiſe ſaid, and ordained, for the Town of **Spalding**, and for the common profit; that all perſons, aſwell rich as poor, ſhould be obedient to all Mene-works, to be made, aſwell in the Sewers, as in the Marſh; and that every man having one meſſuage and ten acres of Land, ſhould find, towards that work, one Tumbrell; and he who had leſſe, one able man, of eighteen years of age, at the leaſt: and if the tumbrell ſhould make default, to pay, for every day four pence, and a man two pence; which hire to be allowed of by the ſaid Wardens, for the behoof of thoſe towns: and that once in the year an Account ſhould be given thereof, upon notice given in the Churches of the ſaid Towns by the Common Cryer.

And they alſo preſented, that the ſtream of **Spalding** ſhould be made narrower at **Skittſhirne**, near **Peccebrig**, on the Eaſt part thereof; and oppoſite thereto on the Weſt part, with piles, rayes, and ſtones, by thoſe that received benefit thereby: And that there was one paſſage at **Peccebrig**, the profits whereof the Wardens ought to receive, for the benefit of the Commonalty of **Spalding**.

And

And they farther ordained, for the advantage of the Commonalty of **Spalding**, that the Prior of **Spalding** ſhould defend his corner, called **Peſcholmehirne**, with piles and ſtones; and at the Coninger likewiſe: and they that had the Sea Banks, to do the like over againſt the meſſuage of *Gilbert atte Stowe*: And that the Prior and his Bondmen ſhould repair that corner in the River, which was the Frontier in **Getegodiſplace** near unto **Coldalegote**.

And they ſaid, that the antient Gutter, called **Covenham gote**, ought to be repaired; and the Sewer of the ſame Gutter, in the old current unto the **Wardic**: and that from the **Wardic** to **Pinegate**, the ſaid Sewer ſhould be in bredth ten foot.

And they likewiſe ſaid; that all the Ditches on each part of **Spalding Move**, from the Fen to the Sea, ought to be opened in Winter, ſo that the current of the water might not be hindred towards the Sea. And that the antient Sewer, betwixt *Robert le Organce* and *Maud atte Barre*, ought to be repaired and clenſed; and that the courſe of the water of **Chaplgate** and of **Newgate**, deſcending by rain, might paſſe away and deſcend to **Coldalegate**: And moreover, that the common way, which goeth from the great Bridge, unto **Weſtlode** out-fall, was too narrow, and ought to be repaired by thoſe who had the Frontiers, ſo that people might go and ride that way.

And they ſaid moreover, that the common Road-way, betwixt **Pichale** and **Brotherhous**, was cut in ſunder with trenches, by the Prior of **Spalding**, and his Bayliffs: they therefore ordained, that thenceforth Bridges ſhould be made thereon, to the end, that men might paſs with Carts and Carriages, and ordinary droves; and ſo from **Brotherhous** unto the **Clote**: And, that the common way from the **Clote** unto **Croyland**, was then in decay, through the default of the Abbot and Town of **Croyland**: and thereupon they ordained, for the common benefit of the Country, that from thenceforth, there ſhould not be any trenches made, in thoſe places, where Bridges were, to the hinderance of the Kings high way.

And they ſaid, that **Newgote** ought to be repaired by the town of **Weſton**: So alſo the South dike of **Quappelode** and **Holbeche** by thoſe two towns: And that the **Common dic** and **Chepdic**, from **Fletebridge** to **Aſewicklade**, ought to be repaired by the ſame Towns. **Holand.**

So likewiſe the Sewer at **Salwegote**, running from **Thomlande** to the Sea; and to be digg'd deeper, as in antient time it had been, by thoſe towns. And that the **Croxendic** of **Quappelode** ought to be repaired by the Town of **Quappelode**: So alſo the Bridge at **Wikelpic** in **Quappelode**, ſo that the paſſage of the water running under that Bridge, might be in bredth *ix* foot; and the courſes of the others towards the Sea, be *xij* foot broad: And that the Sluſes built in the River of **Quappelode**, from the Fen to the Sea, from thenceforth ſhould be taken away.

And the ſaid Jurors, for ſafeguard of the town of **Holbeche**, ſaid; that there was a certain Sewer, called **Pulvergote**, which ought to be removed, becauſe it did damnifie the whole town: And that the ſtream of **Holbeche**, from **Bodinelbrigge** to the Sea, ought to be clenſed: as alſo, that the ſaid Town of **Holbeche** could not be effectually drayned by one Gutter, except another were made in **Jocelaculand**, by the midſt of the Creek called **Fouleflete**.

And they likewiſe preſented, that the **Southbedic** of **Gedeney** and **Flete**, from the town of **Sutton** unto the Town of **Holbeche**, ought to be repaired, and made thicker than it had wont to be, by three foot. And, that the Sewer, called the **Gyſt**, was obſtructed by *Adam fitz Alan*, and *John fitz Alan*: as alſo, that the Bridge, called **Igerambrigge**, was broken, and ought to be repaired by the town of **Multon**.

And they ſaid, that all theſe Ordinances were to the common benefit of the Towns of **Spalding** and **Pinchebec**, and the other Towns before-mentioned; and that every acre ought to be equal in all Aſſeſſments and chardges, for the Gutters, Sewers, Bridges, and other things neceſſary to be repaired; and that all the defects in thoſe Banks, and in the Frontiers which occaſioned them, were appointed to be ſurveyed in ſuch ſort as the Bills fixed to the ſaid Inquiſition did aſſign.

Holand

And by another Inquiſition *, taken on Saturday, being the morrow after *Holy rood* day, in the *xviiij*th year of the ſaid King *Edward* the ſecond's reign, before the ſaid *Roger*, *William*, and *Alan*, the Jurors preſented, that the Sewer, which led from Peſcholmgate in Spalding, was very antient; but that the courſe of the water was in part new changed, the length of one furlong, for the more benefit than it had been formerly (as 'twas believed:) and this by the aſſent of the Prior and Covent of Spalding: And that the Gutter newly placed there, was in bredth three foot and an half, whereunto a Sewer of *xiiij* foot in bredth did ſuffice, aſwell for drayning the lands belonging to the Abbot of Croyland and his Tenants, as the lands of the before-mentioned Prior and his Tenants.

* Ib. f. 262. b.

And they ſaid, that the Gutter of Fulne, and that of Coldalegote, as alſo the Sewer called Cuſinerſgote, and the Gutter called Stelgote, being principal Gutters, were broken, and ſtood in need of repair, ſo that without the help of Peſeholme gote they would not ſuffice, nor Peſeholme gote without the help of the ſaid Gutters, they all being in ſuch great decay. And, that the Hevedinges of Spalding, on Weſtone ſide, had uſed and ought to be whole, but then were cut through in divers places, upon the land of the Prior of Spalding, and others, by reaſon of which cuts the water of Weſtone did overflow the lands of Spalding, to the common damage of the ſaid Town.

In the ſame year had [r] the ſaid *Roger*, *Nich. de Leeke*, *John de la Gotere* of Boſton, and *Roger de Kymberle*, for thoſe on the Sea coaſts and parts adjacent, within the Wapentake of Skirbek.

r Pat. 18 E. 2. p. 1. m. 6. in dorſo.

Divers other Commiſſions alſo were iſſued out, in the like kind, in King *Edw.* the third's time, *viz.* in [f] 1 *E.* 3. to *Humfrey de Litlebury*, *William de Dunton*, and *William de Farford*, for the banks in ſundry parts of this Province.

f Pat. 1 E. 3. p. 3. m. 15. in dorſo.

In 3 *E.* 3. to [t] *Richard de Caſtreton*, *William de Fairford*, and *John de la Gotere*, for thoſe betwixt the Croſſe at Wolmerlye and Tyd bridge. In 4 *E.* 3. to [u] the ſaid *John de la Gutere*, *William de Ros* of Hamlake, *John de Multon* Parſon of Skirbek, and *Will. de Farford*, for thoſe betwixt Wrangel haven and Boſton: and in 5 *E.* 3. to [w] *Robert de Malbethorpe*, *Geffrey de Edenham*, *Will. de la Lound*, and *William de Poynton*, for thoſe upon the Sea coaſt betwixt Keſteven and Holand.

t Pat. 3 E. 3. p. 1. m. 22. in dorſo.

u Pat. 40 E. 3. p. 1. m. 40. in dorſo.

w Pat. 5 E. 3. p. 1. m 36. in dorſo.

In 7 *E.* 3. the King directing his Precept * unto *Geffrey le Scrope* and his fellow Juſtices of the Pleas before himſelf to be holden; ſignified unto them, that whereas by an Inquiſition, then lately taken before *Robert de Malberthorpe* and his aſſociates, Commiſſioners for the view of the Banks, Ditches, Gutters, Sewers, Bridges, Cauſeys, and Floud-gates in the parts of Keſtevene and Holand; it was found, that the Prior of the Chapel of *S. Saviours* ought to repair and maintain the Cauſey called Holand bygg, and thirty Bridges upon the ſame, according to certain boundaries and limits: and that, they the ſaid Juſtices, at the ſute of him the ſaid Prior, affirming, that he ought not to be charged with the ſaid repairs, the ſaid King cauſed the Record & Proceſs of the ſaid Inquiſition to be brought before him. And, that afterwards, by the Petition of the ſaid Prior, exhibited to him the ſaid King and his Council, in the Parliament held at Yorke; ſetting forth, that upon their giving Judgement afterwards in that buſineſſe, there hapning a manifeſt error therein, to the no little damage of the ſaid Prior; he the ſaid King cauſed the Record and Proceſſe thereof to be brought before him: and that upon peruſing the ſame, it clearly appeared; that one *Godwine*, a rich Citizen of Lincolne, founder of that houſe of *S. Saviours*, gave the ſite of that Monaſtery, and certain other lands, to the Canons of Sempyngham, there reſiding; to the intent, that the profits thereof, ſhould be expended to the glory of *S. Saviour*, and the brethren there ſerving God: and the ſurpluſage imployed in the repair of the before-ſpecified bridge. And that upon their giving judgement therein, as aforeſaid, there was an errour; becauſe by the Charter of Foundation, before-mentioned, the maintenance of the ſaid Prior and his brethren was firſt provided for; and the ſurpluſage only, aſſigned for the repair of the ſaid Cauſey: but by that their judgement, they had put the maintenance of the ſaid Prior and his brethren in the laſt place, which ought to have been in the firſt. The King therefore, for the recti-

* Clauſ. 7 E. 3. p. 1. m. 24.

rectifying thereof, commanded the ſaid *Geffrey le Scrope*, and his fellow Juſtices, to look upon the Record before expreſſed, and cauſe it to be amended; and to inform him, both of the value of the lands ſo given to that Monaſtery, by the ſaid Founder; and of ſome way, whereby the repair of that Cauſey might be aſcertained: and laſtly, to ſuperſede the diſtraining of the ſaid Prior, for that reſpect, whilſt the buſineſſe was thus undetermined.

In 11 *E.* 3. Sir *Richard de Roos*, Knight, *Will. de la Launde*, *Will. de Poynton*, *Laurence de Leeke*, *Thoma Levelaunce*, and *Will. de Thorpe*, were conſtituted [x] Commiſſioners, for the view and repair of thoſe Banks and Sewers, betwixt the Croſſe of **Wolmerſly**, and the bridge at **Tid**. And in 13 *E.* 3. *Roger de Cobledyk*, *Roger* the Parſon of **Framton**, *Lambert de Hiptoft*, and *John de Polincroft*, for [y] thoſe in the Wapentake of **Kirketon**.

x Pat. 11 E. 3. p. 1. m. 35. in dorſo.

y Pat. 13 E. 3. p. 2. m. 27. in dorſo.

Memorandum [z], that in the year of our Lord *MCCCxliij.* 16 *E.* 3. the Abbot of **Swineſheved**, and Sir *Nicholas de Ry* Knight, did implead the Abbot of **Peterborough** for *CCCxl.* acres of marſh, with the appurtenances, in **Gosberchirche**; *viz.* the Abbot of **Swineſheved** for *CC.* and Sir *Nicholas* for *Cxl.* by two Writs. And the firſt day of the Aſſiſes at **Lincolne**, was on *Wedneſday* being the morrow after the Feaſt of *S. Peter ad vincula*: at which time there came thither *Gilbert de Stanford*, then Celerer to the Covent, *John de Achirche* Bayliff of the ſaid Abbots Mannours; together with Sir *John de Wilughby* Lord of **Ereſby**, Sir *John de Kirketon*, and Sir *Saier de Rocheford* Knights, *John de Multon* Parſon of **Skirbek**, as alſo divers others of the ſaid Abbots Counſel. And becauſe the defence of this ſute ſeemed difficult and coſtly to the Abbot, in regard that his adverſaries had privately and ſubtilly made the whole Country againſt him, eſpecially the Wapentake of **Kirketon**, he ſubmitted to an amicable Treaty of peace, on the day preceding the Aſſiſe, the place of their meeting being in the Chapter-houſe of **Lincolne**. At which Treaty, in the preſence of Sir *Nicholas de Cantilupe* (who was the principal Mediator betwixt them, as a friend to both ſides) and other Knights and friends above-ſpecified, the ſaid Abbot of **Swyneſheved**, and *Nicholas de Ry*, did ſet forth their claim in that Marſh; affirming that it did belong to them of right by the Cuſtome of the Country; becauſe that it was increaſed and grown to their own antient Marſhes by addition of ſand, which the Sea had by it's flowings caſt up; inſomuch as by that means, coming to be firm land, they ſaid, that they ought to enjoy it, as far as **Saltenee**: and in regard that the ſaid Abbot of **Peterborough** had poſſeſſed himſelf thereof, contrary to right, and againſt the ſaid Cuſtome, they had brought the Aſſiſe of *Novell diſſeiſin*, in form aforeſaid. **Holand.**

z Ex Regiſt. de Peterborough, nuper penes *Rob. Wingfeld* Eſq; aur. f. 157. a.

Whereunto the Counſel for the Abbot of **Peterborough** anſwered; that the Cuſtome of this province of **Holand**, ſo ſtated by the Plantiffs, ought thus to be underſtood and qualified, *viz.* that when by ſuch addition of any ſilt or ſand, there ſhould happen an increaſe of land, and by the Seas leaving thereof, become firm ground, it ought to belong unto him, to whoſe firm and ſolid ground it firſt joyned it ſelf, without any reſpect, whether it grew directly to it, or at one ſide. And they farther ſaid, that the before-ſpecified Marſh did originally joyn it ſelf to the antient Marſh of the ſaid Abbot of **Peterborough**, whereof that Monaſtery had been ſeized time beyond memory, as it appeareth by *Domesday book*, where it is recorded, that the Abbot of **Peterborough** had *xvi* Salt pans in **Donington**. Moreover, in the Charter of King *Richard* the firſt, there were confirmed to the ſaid Abbot three Carucates of land with the Salt pans and Paſtures, and all their appurtenances, in **Holand**. So that the ſaid ſoil increaſing by little and little, ought not to belong unto the Abbot of **Swineſheved**, and Sir *Nicholas*, according to the Cuſtome of the Countrey; becauſe that a certain part of **Salten Ee**, which was not then dry land, did lye betwixt the old Marſh belonging to the ſaid Abbot of **Swineſheved** and Sir *Nicholas*, and the Marſh whereof they pretended ſo to be diſſeiſed. Which part of **Salten Ee** could not at all be drayned; becauſe that the freſh waters had uſed to run through that place from the parts of **Kelleven** to the Sea, untill *Geffrey* Abbot of **Peterborough** (Predeceſſor to the then Abbot) did, for the better drayning of

Holand. the Province of **Holand**, by his deed indented, grant unto the ſaid Country, a certain Sewer, directly running to the Sea, through his own land: by which means, though the antient Sewer, in another place, became leſſe than it had wont to be, by reaſon of the non-uſage thereof, from the time that the ſaid new Sewer was granted; nevertheleſſe it remained at that time ſufficiently open, and the Sea did flow and eb by it: and therefore it ſerved ſufficiently for a diviſion; becauſe that antiently by the current of the freſh water as aforeſaid, and the checking thereof by the Sea, which continued till that day, it could neither be drayned or ſtopt: And that, beyond that boundary, the ſaid Abbot of **Swyneſheved** and Sr *Nicholas*, could not by the Cuſtome of the Country, for the reaſon aforeſaid, claim or chalenge any thing.

But at length, after divers arguments, to and fro, therein uſed; it was concluded, that *xij* truſty men, aſwell Knights as others, ſhould be made choice of; ſix on one ſide, and ſix on the other, to view the place in queſtion, at *Michaelmaſſe* then next following, and make a final determination therein. Whereupon the tryal at that Aſſizes was ſtopped: and at the day appointed, the ſaid Abbot of **Peterborough** came himſelf, in perſon, to **Gosbercherche**, together with Sir *John de Wylughby*, and other of his friends and Counſel: And ſo likewiſe did the Abbot of **Swyneſheved**, but Sir *Nicholas de Ry* ſent his Attorney. Where the *xij* perſons, ſo choſen, did take a view of the ground; but not agreeing, they departed without making any concluſion therein.

In order therefore to a legal tryal of the buſineſſe in diſpute, the Juſtices of Aſſize appointed to ſit again at **Lincolne**, upon *Saturday* being the Feaſt of *S. Thomas* the Apoſtle. At which time the before-ſpecified *Gilbert de Stanford* and *John de Achirche*, together with Sir *John de Wylughby* and others, on the behalf of the ſaid Abbot of **Peterborough**, came thither: But the adverſe party, having in the mean time obtained a new Aſſize, being called upon the firſt Writs, did not proſecute; ſo that they were amerc'd; the reaſon why they durſt not then proſecute, being, becauſe they could not have a full Jury, out of the Wapentake of **Kirketon**, of thoſe whom they had laboured: For Sir *William Franc*, the then Shireeve of this County, had, at the ſpecial inſtance of Sir *John Wylughby*, and for *xx* l. which he had given him, returned *xviij* of the moſt truſty men, and of the beſt account, within the three Wapentakes of this Province; *viz.* **Ellow**, **Skyrbek**, and **Kirketon**; who were eſſoyned upon the ſecond Writs. And upon the third Writ, the principal perſons of the ſaid three VVapentakes were returned, by *John de Hundon*, then Shireeve, for ten Marks, which he had given him: Nevertheleſſe ſome of the ſaid Abbot of **Peterborough**'s Counſel, excepted againſt thoſe ſecond VVrits, becauſe they were obtained, whilſt the firſt depended, and the land in queſtion put in view; and therefore they deſired, that thoſe their exceptions might be recorded; proteſting, that they would more fully urge that exception, upon the ſecond day of the ſaid Aſſizes, they not being able to do it on that day; becauſe their adverſaries had a day by Eſſoin: and they deſired that the panell upon the firſt VVrit might be reſerved, whereby it might appear, whether the lands which were then enjoyed by thoſe VVrits, were put in view by the former VVrit: others moving the contrary, *viz.* that the ſaid panell might be made void, and no proſecution thereupon.

Beſides, the form of thoſe VVrits was excepted againſt by reaſon of the privilege which the ſaid Abbot of **Peterborough** had by the Charters belonging to that Monaſtery; becauſe, that the ſaid Tenements put in view, were parcell of their Mannour of **Gosbercherche**; and that chiefly by the words of King *Henry*'s Charter, *Quicquid Vicecomes* &c.

But it then hapned, that through the mediation of Sir *Adam de Welles*, there was another day of reference appointed, to be at **Lincolne** aforeſaid, upon *Thurſday* next after the Feaſt of the *Epiphany*, then next following. At which time the ſaid Abbot of **Peterborough**'s Officers, together with Sir *John de Wylughby*, and the reſt before-mentioned, came: howbeit, after many diſputes, they went away without making any accord: ſo that then there was a third day appointed for the Aſſize; *viz.* the *Thurſday* next after the Feaſt of *S. Gregory*, at **Lincolne** aforeſaid,

ſaid: But in the interim it ſo falling out, that the Abbot of **Swyneſheved**, having for the repairing of all his Mill-pool at **Caſterton**, digg'd farther upon the Abbot of **Peterborough**'s ground, at **Ingethorpe**, than he had power to do by that liberty, which had been antiently granted to him by compoſition; the ſaid Abbot of **Peterborough** brought an Aſſize of *Novell diſſeiſin* againſt him, in the County of **Roteland**. At the day of which Aſſizes came the ſaid Abbot of **Swineheved**, with five of his Monks, and others of his Counſel; where, through the mediation of Mr. *Alexander de Ounesby*, Rector of the Church at **Caſtreton**, all differences betwixt the parties beforementioned, were concluded; the Abbot and Covent of **Swineſheved** being to releaſe all their intereſt in the ſaid Marſh; and the Abbot and Covent of **Peterborough** to give licenſe to the ſaid Abbot and Covent of **Swyneſheved** to repair their pool at **Caſtreton**, as often as occaſion ſhould require; and alſo *xl* Marks in mony, by way of agreement, for avoiding of any farther trouble and chardge for the future. And the ſaid Abbot and Covent of **Swyneſheved** did thereupon remit all their claim, whereunto they had any pretrence, in the ſaid Marſh, for ever. All which was perfected by deeds indented betwixt them.

And on the morrow before the Aſſizes (ſo appointed as aboveſaid) came the ſaid *Gilbert* and *John*, on the behalf of the Abbot of **Peterborough**: where, upon treaty betwixt them, and the ſaid Sir *Nich. de Rye*, ſix perſons were choſen to arbitrate the buſineſs, *viz.* on the part of the ſame Sir *Nich.* Sir *Rob. de Colevill*, Lord of **Bytham**; and Sir *Philip le Deſpenſer*, K^ts. and *John Cleymunt*: And on the behalf of the Abbot, Sir *John de Wilughby*, and Sir *John de Kyrketon* Knights, and *Henry Grene*; who awarded, that the ſaid Abbot ſhould give to Sir *Nicholas* xl^l. and he thereupon, to remiſe for himſelf and his heirs, all his right & claim in that Marſh.

And as to the future increaſe of ground, which might happen to either party; that it ſhould be enjoyed by him to whoſe land it did lye moſt contiguous

Whereupon a day was aſſigned for writings to be made betwixt them, for ratifying of this award, *viz.* the *Monday* after *Palm-Sunday*: At which time, meeting at **Gosbercherche**; where diſcerning, that the ſaid Writings did expreſſe the ſaid Marſh to be the right of the above-mentioned Abby; the ſaid Sir *Nicholas*, fearing that in caſe he did ſeal them, he might be indicted of conſpiracy for pleading both falſly and unjuſtly, the buſineſſe was reſpited till the next Parliament, which was in the *xv* of *Easter* in the *xvij^th* year of the ſaid King *Edward* the third's reign: to which Parliament the parties aboveſaid came; and after divers arguments in the preſence of Sir *Nicholas de Cantilupe*, Sir *John de Wilughby*, and others, the ſaid Sir *Nicholas de Ry*, did releaſe all his right, as aboveſaid: Which releaſe beareth date at **Peterborough** upon the *xvij^en* of *May*, in the year aboveſaid. **Holand.**

In the ſame year *Thomas de Lucy*, *Sayer de Rochford*, *Thomas de Sibthorpe*, *John*, parſon of the Church of **Benington**, and *Laurence de Leeke* were appointed [a] to view the Banks, Ditches, and Sewers, within the Wapentake of **Skyrbek**, and to take order for their repair.

[a] Par. 17 E. 3. p. 1. m. 17. in dorſo.

But notwithſtanding the before-ſpecified agreement made by the ſaid Abbot of **Peterborough**, with the Prior of **Spalding**, and Sir *Nicholas de Rye*, he was not yet at quiet for that land, touching which there had been ſo much diſpute betwixt them: For about ſix years after, there was a preſentment [b] exhibited into the Kings Bench by divers Wapentakes in this County, againſt the ſaid Abbot of **Peterborough**, for purchaſing *CCC* acres of waſte ground, in **Gosbercherche**, without Licenſe from the King. Whereunto the Abbot pleaded, that this Land was not purchaſed by him, but gained from the Sea; it being the Cuſtome of the Country, and ſo had been time out of mind, that all and ſingular Lords, poſſeſſing any Mannours or Lands upon the Sea coaſt, had uſually ſilt and ſand more or leſſe caſt up to their land by the tides: and that this land ſo ſuppoſed to be purchaſed, was acquired in that ſort. All which being proved by the ſaid Abbot, the Jurors gave up their verdict [c] accordingly. Nevertheleſſe, the ſaid Abbot could not yet be quiet, as appears by ſeveral other [c] pleadings therein, afterwards; ſo that final ſentence was not given therein till [d] *Easter* Term in 41 *E.* 3.

[b] Plac. coram Rege Trin. 5. Mich. 23 E. 3. Rot. 26. Linc.

[c] Pasch. 37 E. 3. Rot. 22. Pasch. 36 E. 3. Rot. 34.

[d] Pasch. 41 E. 3. Rot. 2 9.23.

Poland

In 23 *E.* 3. *William de Thorpe, Philip le Deſpenſer, Nich. de Rye, Saier de Rochford,* and others, were conſtituted [c] Commiſſioners for the view and repair of the Banks and Sewers in this Province. And in the ſame year there were ſeveral [f] preſentments exhibited againſt the Abbot of **Crouland**, by the Jurors of divers VVapentakes, for ſtopping of certain Sewers, and common high-ways within the Fens. So likewiſe againſt the Prior of *S. Saviours* for the not repairing of **Bygedyke**.

In 25 *E.* 3. *Saier de Rocheford, Laurence de Leeke, John Moſſe, Roger de Meres,* and *Will. Baiard* were appointed [g] to view the Sea-banks and Ditches of **Skirbek** and **Kirketon**.

Several other Commiſſions to the like purpoſe, were iſſued out ſhortly afterwards; *viz.* in 26 *E.* 3. to [h] Sir *Thomas de Lucy* Knight, *John de Litleburs, Roger de Meres,* and *John Rybrede* of **Spaldyng**, for the view and repair of all thoſe in the VVapentake of **Ellowe**, which were then in great decay. So alſo to [i] *Saier de Rocheford, Laurence de Leeke, John Moſſe,* and *John Claymond*, for thoſe in the VVapentake of **Skirbek**. The like in 27 *E.* 3. to [k] *Will. de Huntingfeld*, and the reſt laſt mentioned.

In 28 *E.* 3. to [l] *John Cleymond, Roger de Meres, Robert de Spaigne,* and *William de Spaigne*, for thoſe on the South ſide of **Wythum**, from the Town of **Skirbek**, to a place called the **Shuft**.

In 30 *E.* 3. to [m] *Henry Greene, Saier de Rocheford, Roger del Mere, Will. de Surflete,* and *John de Neſſefeld*, for thoſe betwixt the Towns of *S. Saviours* and **Donyngton**.

In 33 *E.* 3. to [n] *Will. de Huntingfeld, Will. de Thorpe, Will. de Notton*, and others, for thoſe in the VVapentake of **Kirketon**. And in 34 *E.* 3. [o] to Sir *Nicholas de Rye* Knight, *John Claymond, Roger de Meres*, and others, for thoſe within the Towns of **Flete** and **Holbeche**.

By a pleading [p] in 35 *E.* 3. touching an Inquiſition, taken about two years before, in the preſence of Sir *Will. de Huntingfeld*, and others, Juſtices of Sewers for the Wapentake of **Kirketon**, at the proſecution of the Inhabitants of **Gosberkirke** and **Surflete**, in which Inquiſition certain errors were ſaid to be; it appeareth, that the Jurors then found, that there was a Gutter, called **Wiſtard gote** in **Sotterton**, then in decay, which ought to be repaired by the ſaid Town of **Sotterton**. Alſo, that **Wigtoft gote** ought to be repaired by the Towns of **Wygtoft** and **Swyneſheved**. That the Town of **Swineſheved** ought to repair **Swineſhed Ee**, from the North ſide of **Swineſheved**, unto **Byker Ee**.

That the Towns of **Biker**, **Donington**, **Quadyng**, and **Gosberkirk** ought to repair **Biker Ee**, from the beginning of **Biker** to the Sea, and to make it *xxiiij* foot in bredth, and ſix foot in depth; *viz.* the Town of **Biker**, from the beginning of **Biker** to **Bonſtake**; and from thence the Town of **Donington**, to **Quadyng**: and from thence **Quadyng** and the Commoners thereof to **Gosberkirke**; and **Gosberkirke** to the Sea: And that it ought to run all the year.

They alſo then preſented, that the Gutter of **Quadyng**, called **Angot**, was broken; and that it was neceſſary that it ſhould be removed neerer to the Sea by an hundred perches; as alſo that the Ditches wherein the Salt water came, ſhould be ſtopped; and that the ſides thereof, on each part, ſhould be raiſed four foot in height; which repairs to be always done by thoſe whoſe lands were drayned thereby.

And moreover, that the Gote, called **Sangote**, in **Gosberkirke**, was ruinous; and that it ought to be repaired by the Tenants of ſeven Carucates of land in **Surflete**, and of five Carucates in **Gosberkirke**, according to equal proportions. And that the **Newgote** of **Surflete** ought to be repaired and made two foot in depth, by the ſaid Town of **Surflete** unto **Totisbyge**.

And that the Town of **Gosberkirke** ought to maintain the Gutter, called the **Thurgote**, becauſe that at that time, the ſaid Town and **Surflete** were almoſt drowned by an arm of the Sea; which grew by reaſon of the ſaid Gutter, and **Salten Ee**. In which Inquiſition it appeareth how the ſaid Gutter might be removed to the beſt advantage, for the ſafeguard of thoſe places; and through whoſe lands it ought to run, and of the value thereof. And that it ought to be repaired by the Town of **Gosberkirke**, be-

[c] Pat. 23 E. 3. p. 1. m. 31. in dorſo.

[f] Plac. coram Rege term. Paſch. 23 E. 3 Rot. 48. *Linc.*

[g] Pat. 25 E. 3. p. 3. m. 8. in dorſo.

[h] Pat. 26 E. 3. p. 1. m. 20. in dorſo.

[i] Ibid.

[k] Pat. 27 E. 3. p. 2. m. 20. in dorſo.

[l] Pat. 28 E. 3. p. 2. m. 4. in dorſo.

[m] Pat. 30 E. 3. p. 1. m. 16. in dorſo.

[n] Pat. 33 E. 3. p. 1. m. 14. in dorſo.

[o] Pat. 34 E. 3. p. 1. m. 17. in dorſo.

[p] Plac. coram Rege term. Mich. 35 E. 3. Rot. 17 *Linc.*

twixt **Alvelode** and **Surflete**. As alſo how **Croſſe gote** ought to be repaired and removed.

And the ſaid Jurors then preſented, that the Sea-banks and others, belonging to **Surflete**, **Gosberkirke**, and **Quadring**, were too weak and low; and that they knew not who ought to repair them. Whereupon the Shireeve had command to ſummon thoſe Towns to appear: Who accordingly making their appearance, ſaid; that they could not deny but that they ought of right to repair them: and therefore they were amerc'd, and diſtrained thereto. And the Town of **Sotterton**; with all the reſt, were likewiſe amerc'd, becauſe they came in by great diſtreſſe.

In the ſame 35 year of King *Edward* 3. *Roger la Warre*, *Will. de Thorpe*, *Robert de Thorpe*, and others, were aſſigned. [q] to view and repair the Banks and Ditches throughout this whole Province of **Holand**. In 37 *E.* 3. *Will. de Huntingfeld*, *Roger de Cobeldyk*, *Matthew de Leeke*, and others, had [r] the like aſſignation for thoſe in the VVapentake of **Skirbok**: So alſo had the ſaid *William*, with *Godefrey Fuljaumbe*, and others, for thoſe in the VVapentake of **Kirketon**. And in [s] 39 *E.* 3. *Godefrey Fuljaumbe*, *Simon Symeon*, *Roger de Meres*, and others, for thoſe from **Waynflete** to **Typgote**.

[q] Par. 35 E. 3. p. 2. m. 25. in dorſo.

[r] Par. 37 E. 3. p. 1. m. 46. in dorſo.

[s] Par. 39 E. 3. p. 1. m. 42. in dorſo.

Upon a pleading [t] in the ſame year, the Town of **Pinchebek** was acquitted, by the verdict of a Jury, from the repair of the Marſh-bank, called **Ee dyke**, extending from **Pinchebec**, by **Eſcote**, to **Donneſhirne**: but the ſame Jury then found, that the ſaid Town of **Pinchebek** ought to repair that Bank, from **Donneſhirne** to **Goderamſcote**: And that the Abbot of **Bzunne** and Town of **Bzunne** ought to repair it from **Goderamſcote** to **Eſtrote**; and that the ſaid part thereof was then ruinous.

[t] Plac. coram Rege term. *Mich.* 39 E. 3. Rot. 25. *Linc.*

In 41 *E.* 3. was that memorable verdict [u], touching the Cuſtome of the Country, that the Lords of Mannours, adjoyning to the Sea, ſhould enjoy the land; which is raiſed by ſilt and ſand, which the Tides do caſt up. VVhich verdict was in the behalf of the Abbot of **Peterbozough**, in reſpect of the Lordſhip of **Gosberkirke** (whereof I have already taken notice)

[u] Plac. coram Rege term. *Paſch.* 41 E. 3 Rot. 28. *Linc.*

In 43 *E.* 3. *John* Duke of **Lancaſter**, *Godefrey Fuljaumbe*, *Thomas de Mapelton*, Parſon of the Church of **Frampton**, and others, had Commiſſion [w] to view and repair the Banks, Ditches, *&c.* throughout this whole Province of **Holand**; and to proceed therein according to the Law and Cuſtome of this Realm. The like Commiſſion [x] (and to proceed accordingly) had *Raphe* Lord *Baſſet* of **Drayton**, *Roger de Kirketon*, *Richard de Waterton*, *Rich. Poutrell*, and others, for all thoſe betwixt **Kelfeld** and **Bykerdyke**. So alſo in [y] 48 *E.* 3. had Sir *William de Huntingfeld*, Sir *John de Rocheford*, with Sir *John Crecy* Knights, and others, for all thoſe throughout the whole Province.

Holand.

[w] Pat. 43 E. 3. p. 2. m. 18. in dorſo.

[x] Par. 45 E. 3. p. 1. m. 4. in dorſo.

[y] Par. 48 E. 3. p. 1. m. 30. in dorſo.

Upon a pleading [z] in 49 *E.* 3. the Towns of **Hokyngton** and **Gerwick** could not gainſay, but that they ought to repair and cleanſe the one half of **Gerwike hee**, on the North ſide, unto the Cowſtalls of the Abbot of **Swineſheved**, called **Perewik**; therefore command was given to the Shireeve to diſtrain them. At the ſame time it was likewiſe found, [a] that the Towns of **Wiberton**, **Frampton**, and **Kirkton**, and the Weſt of **Boſton** ought to repair and maintain the **Dykes** from the **Schuſt** to **Deynboth**. As alſo, that [b] the Towns of **Swyneſheved**, and **Wyktofte** ought to ſcour the Sewer called **Swineſhed hee** from **Candelby hill** to **Biker hee**. And [c] that the Town of **Toftt** ought not to repair the Sewer, called **Hil dyke**; but that *John* Duke of **Lancaſter**, and the Earl of **Lincolne** ought to cleanſe it; in conſideration whereof they receive of every man that keepeth fire in his houſe, within the VVapentake of **Skirbek**, *ii d.* upon the Feaſt day of *S. Martin*.

[z] Plac. coram Rege term. *Mich.* 49 E. 3. Rot. 8. *Linc.*

[a] Ibid. Rot. 43. *Linc.*

[b] Ib. Rot. 46.

[c] Ib. Rot. 48. *Linc.*

And it was then alſo found [d], that the Towns of **Boſton** and **Skirbek** ought to cleanſe a certain Sewer, from **Hil dyke** to **Wythom** ſtream; in conſideration whereof they had common in the marſh of **Bolingbroke**. And that [e] the Town of **Flete** could not deny, but they ought to repair the Road-way in **Flete**, called **Spittle lake**; and alſo the bank, called **South hee**, in **Flete**, which was then too low.

[d] Ib. Rot. 24. *Linc.*

[e] Ib. Rot. 24. *Linc.*

The next year following, upon the like pleading [f], the Inhabitants of **Surflete** acknowleged, that they ought to repair a bridge in **Surflete**, neer the houſe of *Thomas Dod*; and cleanſe the River

[f] Plac. coram Rege term. *Hill.* 50. E. 3. Rot. 21. *Linc.*

Holand. ver of Burne every fourth year; from Newelende in Pinchebec marsh, which ought to be repaired by the Town of Pynchebec, unto Surflet; and from Surflet to the Sea, according to a Decree made by the Justices of Sewers for those parts.

g Plac. coram Rege Term. *Mich.* 50 *E.* 3. Rot. 9. *Linc.* And the same year it was found [g] by the Jurors (upon a pleading also) that the Inhabitants of the eight Hundreds of Holand, ought to cleanse and repair the Ditch called the Old Ee, betwixt the Marsh of Holand and the Marsh of Hekington, on the West side of Babberboth, and Hoggeboth of Westcroste. And moreover, that they ought to repair and cleanse the Ditch, from Babberboth in Hekington, unto the Distrithe in Swynesheved marsh, on each side. And from the Ditch, which is supposed by the presentment to be from Hoggesbothe of Westcroste, to the water of Wythome, they said, that the Inhabitants of those eight Hundreds ought not to repair and cleanse the same; because there was no such Ditch there, as the same presentment mentioned,

In 51 *E.* 3. *John* King of Castile and Leon, *&c. Roger de Kirketon, Thomas de Hungerford*, and others, were constituted

h Pat. 51 E. 3. p. 1. m. 41. in dorso. [h] Commissiones for the view and repair of the Banks, Ditches, and Sewers, throughout this whole Province of Holand.

After this I have not seen any more Commissions of this kind, for this Province, till 6 *H.* 5. that *Thomas* Lord *de la Warre*, Sir *Robert Hagbeche* Knight, *Nich. Dixon* Clerk, *John Belle* of Boston, with

i Pat. 6 H. 5. p. 1. m. 28. in dorso. some others, were appointed [i] to view them, and take order for their repair: with direction to proceed therein according to the Law and Custome of this Realm.

k Pat. 2 H. 6. p. 1. m. 32. in dorso. The like Commission [k] in 2 *H.* 6. had the said *Thomas* Lord *de la Ware*, *Robert* Lord *Wylughby*, Sir *Raphe Cromwell*, and Sir *Robert Roos* Knights, *William Copuldyk*, *John Henege*, and others, with the same directions; as also power to take so many diggers and other labourers, upon competent wages, to assist therein, as they should think requisite, in regard of the great necessity for expedition in the

l Pat. 6 H. 6. p. 1. m. 32. in dorso. said work. So also in 6 *H.* 6. had [l] the Bishop of Lincolne, Sir *Thomas Roos*, Sir *Robert Wylughby*, Sir *Raphe Cromwell*, Sir *Reginald West*, Sir *Raphe Rochford*, and Sir *Robert Roos* Knights, *Nich. Dixon* Clerk, and others, with authority to make Statutes and Ordinances, proper for the safeguard of the Sea-coasts, and Marshes, according to the Laws and Customes of Romeney marsh: And to determine all things therein according to the Custome of the said Romeney marsh: As also to take such and so many Labourers, upon great competent wages, in respect of the necessity of expedition in that work, as they should think fit to imploy therein.

In 10 *H.* 6. *John Hals*, Sir *Henry Rocheford* Knight *Walt. Tailboys* Esquire, *Richard Pynchebek*, *Richard Benyngton*, and others, were constituted [m] Commissioners to view all the banks and Sewers of Crouland, Spalding, Weston, and Multon, and take order for their repair; with the like power to make Laws and Ordinances as aboveseid. And in 30 *H.* 6. *Richard de Benyngton*, *Thomas Kyme*, *George Hetone*, and others, had the like [n] Commission for those banks and Sewers, within the precincts of the Lordship of Framptone, *viz.* from Foxdyke unto the Rode neer Boston.

m Pat. 10 H. 6. p. 1. m. 11. in dorso.

n Pat. 30 H. 6. p. 1. m. 22. in dorso.

In 34 *H.* 6. there was a Session [o] of Sewers held at Spaldyng, upon the *Wednesday* before *Palme-Sunday*, before *Richard Benyngton* and his fellow Justices; where the Jurors presented, that the Prior of Spaldyng ought and had used to repair and maintain a certain common Sewer, called the Priors Ee in Sutton, within this province; from a certain place called Tyode graynes; in Tyode *S. Maries*, to Outbroken in Sutton aforesaid, and so going into Priors fall; together with certain bridges upon the same Sewer; *viz.* one overthwart the Priors Lathes; another called Crosse gate bigge, and another called Randolf bigge, which were then in decay, to the great damage of the said Town of Sutton, and the whole Country: And that the said Sewer ought and had used to be repaired, with the bridges before-specified, by the predecessors of the then Prior, and by the same Prior, by reason of his lands in Sutton aforesaid. Whereupon the Shireeve having command to summon the said Prior to answer this chardge; he appeared by *Thomas Spenser* his Attorney, and denyed that he ought

o Ex lund. de Brev. & Recordis, Wallias &c. tangentibus n. 22.

to

to perform thoſe repairs; alleging, that the ſaid Prior and his Predeceſſors had been ſeized, time out of mind, of the Mannour of **Gannok** in **Sutton** aforeſaid, as in right of their Monaſtery of **Spaldyng**, whereof the ſaid Sewer, ſo ſuppoſed to be a common Sewer, was parcell. And farther ſaid, that the ſame Sewer had been made from the time aforeſaid, by the Predeceſſors of the then Prior, in their own proper ſoil, and within the precinct of that Mannour, for drayning and avoiding away of the waters within the ſame, for their own and their Tenants advantage; and that no mans Land elſe ought to be drayned thereby. And farther affirmed, that it was no common Sewer; as alſo that the ſaid Prior and his Predeceſſors, neither ought nor had uſed to repair the before-ſpecified Bridges, as in the ſaid preſentment was ſet forth.

Whereupon a Jury being ſummoned, and ſworn, they ſaid upon their Oaths; that the ſaid Sewer was a private Sewer, made by the Predeceſſors of the then Abbot, for the drayning of the waters out of the ſaid Mannour of **Gannock**, for their own and their Tenants ſole benefit; and that it was never any common Sewer.

In 1 *E.* 4. *Richard de Welby*, *Richard Pynchebec*, *John Pynchebek*, *Leonard Thorneburgh*, and *Richard Fendyk* were conſtituted [p] Commiſſioners for the view and repair of the Banks, Ditches, and Sewers, from **Skegnes** & **Dodyngtone-Pygot**, to **Tydde gote**; and to proceed therein according to the Laws and Cuſtoms of this Realm, and of **Romeney** marſh.

[p] Pat. 1 E. 4. p. 1. m. 11. in dorſo.

Howbeit, from this time, untill the xiij[th] year of the late Queen *Elizabeths* reign, I have not ſeen any thing elſe conſiderable, in reference to the Banks and Sewers of this province: but then (*viz.* on the xxi[th] of *September*) Sir *Henry Clinton* Knight, *Anthony Thorold*, *Robert Carre*, *Leonard Irby*, *John Buſhey* Eſquires, and others, at that time Commiſſioners ſitting at **Boſton**, and by Inquiſition taken before them upon Oath, finding, that the Sewer called called **Merlode**, could not without an exceſſive chardge, convey away the water falling thereinto; nor have any fit place at the out-fall thereof, whereon to erect a ſufficient Gote; decreed, [q] that it ſhould be ſcoured and made xvi foot wide, and ſix foot deep, from the in-fall out of the Fen, unto a certain place called **Elwood Elmes**, by the Townſhips of **Quadring** and **Donington**, next adjoyning, before *Martinmaſſe* in An. 1572. And that from **Elwood Elmes**, it ſhould be turned, and made of the like bredth and depth, at all times thenceforth, by the Inhabitants of of the ſaid Town of **Quadring**, to **Gosbertown Ee** (through divers grounds in the ſaid Decree mentioned) And at the falling thereof into the ſaid **Ee**, that there ſhould be a ſubſtantial ſtone-bridge made and erected, for the publick Road way there, at the chardges of **Quadring** and **Donyngton** aforeſaid: and likewiſe a Dam (at their like chardges) at **Partye bridge**.

A. 1571.

Holand.

[q] Ex Collect. præno. *Mount qu* Comi is de **Lindſey.**

And moreover, that the ſaid Inhabitants of **Quadring** and **Donington** ſhould for ever hereafter enjoy for the Commodity of their ſaid water-courſe of **Merlode**, the ſame drain called **Gosberkirk Ee**, under the Sea dyke, from the in-fall of **Merlode** thereinto; and from the ſaid Dam to be made towards the Sea, unto the Gote, which thenceforth ſhould be appointed to be made for them and their ſaid Drayn of **Merlode**, by all the limits thereof, after alſo to be expreſſed, unto the out-fall of that their Drayn into the Sea, at their private Drayn.

In conſideration whereof, they decreed, that the ſaid Townſhips of **Quadring** and **Donington**, ſhould make a another ſufficient Drayn in **Gosberkirke Ee** aforeſaid, to ſtop and turn the Watercourſe of **Ryſegate**, out of and from the old courſe thereof, towards the Sea-dyke aforeſaid, at a place in **Gosberkirk**, neer unto **Challan bridge**; where they decreed, that a bridge ſhould be made and ſet up, at the chardge of the ſaid Townſhips of **Quadring** and **Donington**: And that then the ſaid Townſhips ſhould ſcour a new Drayn from thence, of the like bredth and depth, by the limits after to be ſpecified, which ſhall be called the **New Ee** of **Surflet** and **Gosberkirk**: the accompliſhing of theſe directions being moſt beneficial for the receipt and ſpeedy conveyance of the waters both of **Keſteven** and **Holand**, from the ſaid old courſe in **Ryſe-**

Holand. gate Ee, by the ſame **New Ee**, in form before recited.

r Ibid. And by a Decree[r] of Sewers, made at **Helpyngham**, 22 *June*, *xvi Eliz.* it appearing, that the **New gote**, ſet in the Sea-dyke of **Surflet**, at the chardge of the Inhabitants of **Donyngton** and **Quadring** (by virtue of the Decree made at **Boſton**, 21 *Sept.* 13 *Eliz.* above-mentioned) did of a ſudden after three weeks ſetling thereof, ſink into a Quick-ſand: It was ordered, that the ſame ſhould be made again more ſubſtantially, and ſet upon a better and firmer Foundation.

In which year alſo *Richard Bertye*, Eſquire, *Rob. Wingfeld* the elder, *Edmund Hall*, *william Fitz William* Eſquire, and others, being Commiſſioners, and ſitting

f Ibid. at **Burne** the fifth of *July*, ordained[f]; That the Sewer called **Repingale South dyke**, ſhould be dyked from **Berhom-pooles** to **Irelode**, and thence to the **Beche**, in bredth *xij* foot at the leaſt, and depth ſix, by the Townſhip of **Pinchebeck**, before *Michaelmaſſe* following, upon pain of every rode not done 3 s. 4 d.

Likewiſe that **Irelode** drain ſhould be ſufficiently dyked and banked, by the Townſhips of **Dowsbye** and **Repingale**, for their limits; and from thence to the **Beche** by ſuch Townſhips, as by the Laws made at **Sempyngham**, *menſe Sept.* 8 *Eliz.* was appointed; upon the like penalty.

Moreover, that upon the Sewer called **Newdike**, two new bridges ſhould be erected at **Rulgate Ee mouth**, by the inhabitants of **Gosberkirke** and **Surflete**, in their limits: one in **Quadring up-fen**, againſt the common way coming from **Weſtrop**; and one other within the limits of **Byker**, in **Hekendale-Wathe**, over to **Hekendale Hills**, of ſuch height as Boats might well paſſe under; and to be done by the Inhabitants of **Quadring** and **Byker**, before *All-hallow tide* then next enſuing, upon pain of an *C* s. for every bridge not finiſhed.

As alſo that one bridge over the ſaid Sewer at **Ryxton** Fen, another at **Frampton** Fen, and another at **Lichfeld end**, ſhould be reformed by the Townſhips and perſons, who of right ought to do the ſame; and to be of *xij* in bredth, and of height ſufficient for boats to paſſe under, upon pain of 3 l. -- 6 s. -- 8. for every bridge unfiniſhed at *Michaelmaſſe* following.

And that the **Waredyke** beginning at **Colehouſeſtile**, and ſo extending along the River of **Burne Ee**, to **Goodrams coote**, ſhould be continued from the ſaid **Coote** to **Done burne**, and to be diſtant from the River *C.* foot, and in bredth *xij* foot, and depth *iiij.* at the coſt of the Inhabitants of **Pinchbeck**; upon pain of *xx* d. for every rode unfiniſhed at *Michaelmaſſe* then next following.

Alſo that the Sewer called **Newedyke** in **Dykeſen**, ſhould be perfected from **Eedyke** bridge, unto **Holand Fendyke**, according to the Law at **Sempyngham**, as aforeſaid, upon pain alſo of *iij* s. *iiij* d. for every rode unfiniſhed at *Michaelmaſſe* then next following.

Likewiſe that the Sewer extending directly againſt the Eaſt to **Noxthgraft**, ſhould be dyked and banked ſufficiently, by the Townſhips of **Hakenby**, **Dunsby**, and **Pinchebeck**, and the manure to be caſt on the North: and that from the beginning of **Pinchbeck** limits to the Graft: And that the Sewer of **Noxthgraft**, from the firſt fall of the waters of the Fen into the ſaid Sewer, and thence to the Sea, ought to be *xij* foot broad, and ſix foot deep; and to be done by the Inhabitants of **Pinchbeck**, before *Michaelmaſſe* then next enſuing, upon the penalty above-ſpecified.

And that the Sewer called the **Beche**, from **Wrightbold Clowe** to the Sea, ſhould be dyked, roded, and ſcoured, by the Townſhips of **Pynchbeck**, **Gosberkirk**, and **Surflet**, as had been accuſtomed, before *Michaelmaſſe* then next enſuing, upon like pain.

Likewiſe, that the Sewer called **Marisbeck**, ſhould be ſcoured by the Land-holders there, according to their ſeveral parts, to be done before the ſaid day *&c.*

And that the Sewer from **Colehouſe ſtile** to **Frere barre burne**, thence to **Burne-barre**, and thence to **Eedyke bridge**, ſhould be dyked *&c.* by the Land-holders within the Mannour of **Burne**, of the bredth of 8 foot, and depth 4. from **Colehouſe ſtile** to **Frere barre**: and thence to **Eedyke bridge**, to be 12 foot

Holand. gate Ee, by the ſame New Ee, in form before recited.

r Ibid. And by a Decree[r] of Sewers, made at Helpingham, 22 *June*, *xvi Eliz.* it appearing, that the New gote, ſet in the Sea-dyke of Surflet, at the chardge of the Inhabitants of Donyngton and Quadring (by virtue of the Decree made at Boſton, 21 *Sept.* 13 *Eliz.* above-mentioned) did of a ſudden after three weeks ſetling thereof, ſink into a Quick-ſand: It was ordered, that the ſame ſhould be made again more ſubſtantially, and ſet upon a better and firmer Foundation.

In which year alſo *Richard Bertye*, Eſquire, *Rob. Wingfeld* the elder, *Edmund Hall*, *William Fitz William* Eſquire, and others, being Commiſſioners, and ſitting

f Ibid. at Burne the fifth of *July*, ordained[f]; That the Sewer called Repingale South dyke, ſhould be dyked from Berhom-pooles to Irelode, and thence to the Beche, in bredth *xij* foot at the leaſt, and depth ſix, by the Townſhip of Pinchebeck, before *Michaelmaſſe* following, upon pain of every rode not done 3 ſ. 4 d.

Likewiſe that Irelode drain ſhould be ſufficiently dyked and banked, by the Townſhips of Dowsbye and Repingale, for their limits; and from thence to the Beche by ſuch Townſhips, as by the Laws made at Sempyngham, *menſe Sept.* 8 *Eliz.* was appointed; upon the like penalty.

Moreover, that upon the Sewer called Newdike, two new bridges ſhould be erected at Ruſgate Ee mouth, by the inhabitants of Gosberkirke and Surflete, in their limits: one in Quadring up-fen, againſt the common way coming from Weſtrop; and one other within the limits of Byker, in Hekendale-Wathe, over to Hekendale Hills, of ſuch height as Boats might well paſſe under; and to be done by the Inhabitants of Quadring and Byker, before *All-hallow tide* then next enſuing, upon pain of an C ſ. for every bridge not finiſhed.

As alſo that one bridge over the ſaid Sewer at Kyrton Fen, another at Frampton Fen, and another at Lichfeld end, ſhould be reformed by the Townſhips and perſons, who of right ought to do the ſame; and to be of *xij* in bredth, and of height ſufficient for boats to paſſe under, upon pain of 3 l. -- 6 ſ. -- 8. for every bridge unfiniſhed at *Michaelmaſſe* following.

And that the Waredyke beginning at Colehouſeſtile, and ſo extending along the River of Burne Ee, to Goodrams coote, ſhould be continued from the ſaid Coote to Done hurne, and to be diſtant from the River C. foot, and in bredth *xij* foot, and depth *iiij.* at the coſt of the Inhabitants of Pinchbeck; upon pain of *xx* d. for every rode unfiniſhed at *Michaelmaſſe* then next following.

Alſo that the Sewer called Newedyke in Dykeſen, ſhould be perfected from Eedyke bridge, unto Holand Fendyke, according to the Law at Sempyngham, as aforeſaid, upon pain alſo of *iij* ſ. *iiij* d. for every rode unfiniſhed at *Michaelmaſſe* then next following.

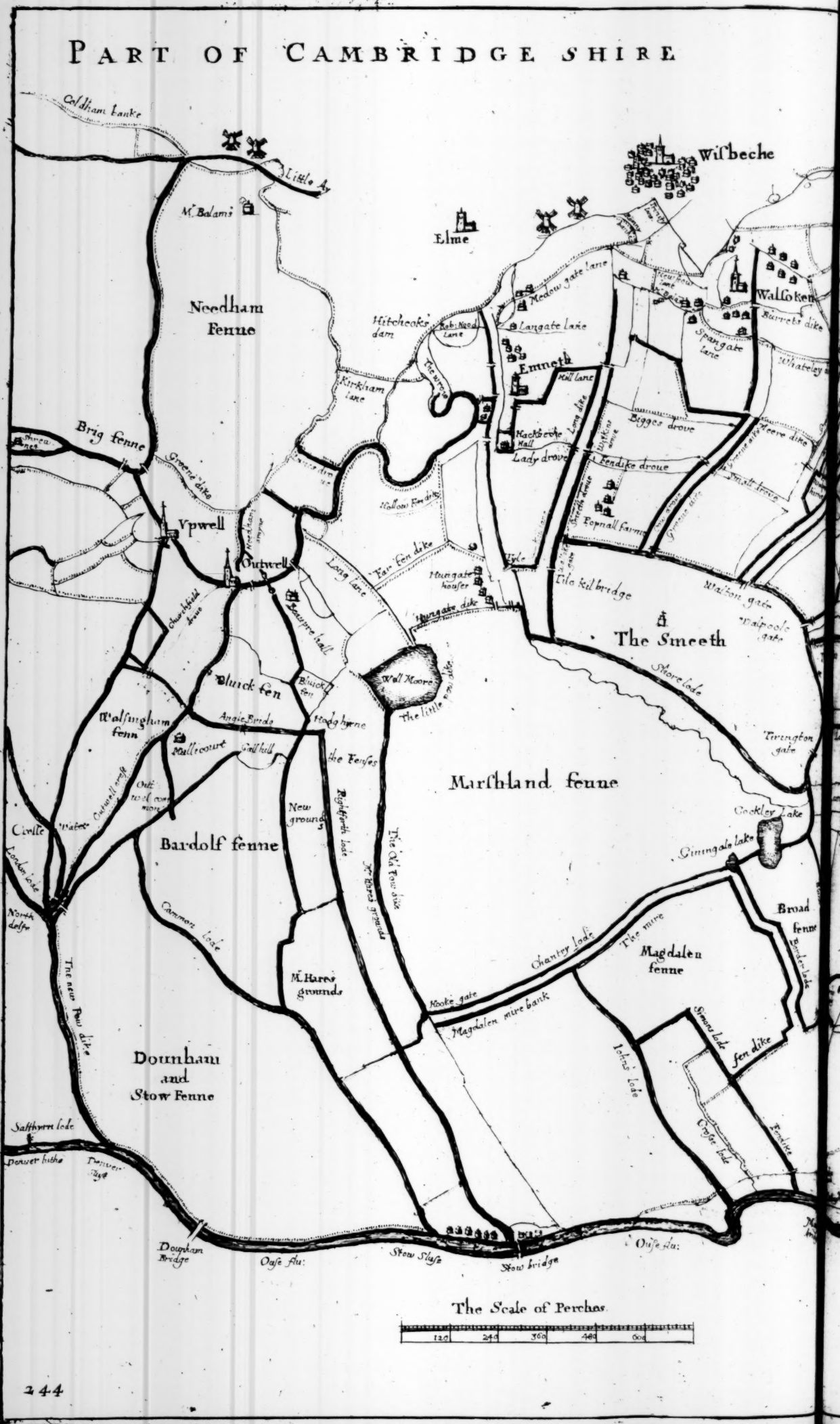
Likewiſe that the Sewer extending directly againſt the Eaſt to Noxthgraft, ſhould be dyked and banked ſufficiently, by the Townſhips of Yakenby, Dunsby, and Pinchebeck, and the manure to be caſt on the North: and that from the beginning of Pinchbeck limits to the Graft: And that the Sewer of Noxthgraft, from the firſt fall of the waters of the Fen into the ſaid Sewer, and thence to the Sea, ought to be *xij* foot broad, and ſix foot deep; and to be done by the Inhabitants of Pinchbeck, before *Michaelmaſſe* then next enſuing, upon the penalty above-ſpecified.

And that the Sewer called the Beche, from Wrightbold Clowe to the Sea, ſhould be dyked, roded, and ſcoured, by the Townſhips of Pynchbeck, Gosberkirk, and Surflet, as had been accuſtomed, before *Michaelmaſſe* then next enſuing, upon like pain.

Likewiſe, that the Sewer called Marisbeck, ſhould be ſcoured by the Land-holders there, according to their ſeveral parts, to be done before the ſaid day *&c.*

And that the Sewer from Colehouſe ſtile to Frere barre Burne, thence to Burne-barre, and thence to Eedyke bridge, ſhould be dyked *&c.* by the Land-holders within the Mannour of Burne, of the bredth of 8 foot, and depth 4. from Colehouſe ſtile to Frere barre: and thence to Eedyke bridge, to be 12 foot

PART OF CAMBRIDGE SHIRE



PART OF LINCOLNE SHIRE

The Map of MARSHLAND, in NORFOLK, wᶜʰ containeth only these seaven Townes; viz Emneth, Walsoken, Walton, Walpole, Tirington, Tilney and Clenchwarton; Sᵗ Iohns being part of the Parish of Tirington; Sᵗ Laurence and Islington, parts of Tilney; and old Lynne containing West Lynne and North Lynne, which is also within the ring of MARSHLAND, yet hath no enter-common wᵗʰ the other seaven. In wᵗʰ Map are generally described all High ways, Droves, Greenes, Seabankes, Banks of Chardge, Rivers, Sewers, Churches and notable buildings.



foot broad, and 4 foot deep; before the ſaid day, *&c.*

Alſo, that the banks from **Colthouſe ſtile** to **Goodrams coote**, and thence to **Done hurne**, ſhould be made of *xij* foot thickneſſe, and three foot height, where moſt need required, by the Land-holders of **Pinchbeck** and **Burne**, according to their limits, before the ſaid day, *&c.*

And laſtly, that the Sewer called **Hawewell** ſhould be ſcoured to **Dykebarre**, by the Fermours of the **Hawes**, and *Tho. Gotherd*: Thence to **Repingale South-dyke**, by the Inhabitants of **Dyke**, **Moxton**, **Hakenby**, and **Dunsby**: Thence to **Berhomepoles**, by the Inhabitants of **Repingale**, **Ringſtone**, and **Kirkby-Underwood**, before *Michaelmaſſe* then next following.

After this, *viz.* in 43 and 44 *Eliz.* there aroſe a great controverſie [t] about the erecting of two new Gotes at **Skirbek** and **Langare**, for drayning the waters out of South **Holand** and the Fenns, into **Boſton** Haven: which work, Sir *Edward Dimock* Knight did, by himſelf and his friends, further what he could: but it was oppoſed by the Country of **Keſteven**; and the very exception taken thereto, was; that the Commiſſioners of Sewers, could not by the power of their Commiſſion, make a Law for the erecting of thoſe new Gotes, where never any ſtood before. Whereupon the deciſion of this point coming at length before the then two chief Juſtices, *viz. Popham* and *Anderſon*, they delivered their opinions [u], that the ſaid new Gotes, if they were found to be good and profitable for the ſafety and advantage of the Country, they might be erected by the power of the Statute of *xxiij* of *Henry* the eighth.

Holand.

[u] Ibid.

Of **Spalding** and **Pinchbeck** Fens, ſee farther in my laſt Chapter under the title of **Keſteven** and **Holand.**

[t] Out of Serjeant *Callice* his Reading upon the Statute of Sewers.

Marſh-land.

CAP. XLVI.

FRom **Lincolnſhire**, keeping on my courſe Eaſtwards, I come next into **Norfolke**; on the Weſt ſide of which Country, very great advantages have been made by banking and drayning; whereof the moſt antient are in that part of it, called **Marſhland**, next adjoyning to **Holand**, laſt ſpoken of.

That this was originally gained from the Sea, by the *Romans*, I have in the Chapter of this diſcourſe endeavoured to make manifeſt: which admitted, we may well conclude, that our Anceſtors the *Saxons*, conſidering the extraordinary fertility of the ſoil, had a fair invitation to ſeat themſelves therein: for that they did ſo, is evident enough from that authentique Survey [a], taken by the *Norman* Conqueror; which ſheweth, that the Towns now in being there, were all extant in the days of King *Edward* the Confeſſor. Nor is it improbable, but that they were ſo, likewiſe, for divers preceding ages; foraſmuch as it appears, that the Church of **Ely** was poſſeſt [b] of **Walpole** long before; a place of no ſmall note, by reaſon it gave birth to *S. Goderic* the Hermite, of whom *M. Pariſ.* maketh ample [c] mention.

[a] *Domeſday* Lib. in Scac.

[b] Monaſt. Anglic. p. 94. c. 1.

[c] In An. 1170.

This Country, on the Eaſt is bounded by the ſtream of **Duſe**; on the Weſt, with **Wisbeche** River; on the North with the Sea-bank; and on the South with the new **Po-dike** (as the Map ſheweth) and containeth no leſſe than thirty thouſand Acres; whereof part is a famous plain, called the **Smeeth**; which being common to all the Towns therein, maintaineth at leaſt thirty thouſand ſheep; and yet is not of a larger extent, in the wideſt part of it, than two *Engliſh* miles. Of this plain I may not omit a tradition, which the common people thereabouts have; *viz.* that in old time, the Inhabitants of the neighbouring Villages had a fierce conteſt with one *Hickifric* (the then owner of it) touching the bounds thereof; which grew ſo hot, that at length it came to blows; and that *Hickifric*, being a perſon of extraordinary ſtature and courage, took an Axeltree from a Cart, inſtead of a Sword; and the wheel for his Buckler: and, being ſo armed, moſt ſtoutly repelled thoſe bold invaders: for farther teſtimony of which notable exploit, they to this day ſhew a large Grave-ſtone, near the Eaſt end of the Chancel, in **Tilney** Church-yard, whereupon the form of a Croſs is ſo cut, as that the upper part thereof, by reaſon of the flouriſhes (wherewith the Carver hath adorned it) ſheweth to be ſomewhat circular, which they will therefore needs have to be the wheel, and the ſhaft the Axeltree.

It is obſerved, that within the compaſſe of this Province, there is neither Mole, nor Rat: and that ſuch hath been the care of the Inhabitants, for prevention of miſchief, which might happen by any breach of the publick Sea-bank; that they have invironed every Town with a particular bank, called the **Indike**, or **Ward-dike**: which, upon any ſuch inundation, doth ſecure it from danger. As for the ſeveral Sewers and Bridges, which it hath, I ſhall reſerve them to be ſpoke of, in the laſt place; purpoſing now to go on, in taking notice of ſuch improvements as have been made within the old Precinct thereof; as alſo how it hath been preſerved from the violence of the tides on the one part, and freſh waters on the other; with the farther enlargement of it's particular bounds.

By an antient Pleading [d], it appeareth; that before the year *MCLxxxi.* (27 *H.* 2.) there was neither any habitation, nor ground that yielded profit, within

[d] Plac. coram Rege Term. *Mich.* 15 *E.* 2. Rot.....

that

that part of **Wigenhale**, from **Busterdesdole**, unto the South side of the same Town, except the Monastery of **Crabhous**, with some lands belonging thereto; all being then waste, and in the nature of a Fen: But afterwards the Inhabitants of that place, and of divers other, came; and, with drayning and banking, won as much thereof, by their industry, as they could. And that they might the more securely enjoy the same, were content to be Tenants for it, unto such great men of whom they held their other lands: and upon this occasion, by a common consent amongst them; was the old **Podike** first raised, about the year *MCCxxiij.* (7 *H.* 3.)

The old **Podike** raised.

Nor was a great part of this Country any other than a Marsh about that time: for by that Precept[e] to the Shireeve of **Norfolk**, for giving unto *Hubert de Burgo*, then Justice of **England**, the like possession thereof, as he had in King *John*'s time (when he went into **Poictou** for the service of that King) it was so called; and bounded with the Towns of **Wigenhale**, **Welle**, **Hagebeche**, **Tilney**, and **Tirington** (which I take to be little lesse than half **Marchland**:) all which was soon after restored[f] to the Church of **Ely**, as having a better interest to it, than this great man.

[e] Clauſ. 2. H. 3. m. 14.

[f] Ib. in dorſo m. 10.

But notwithstanding the said Bank, called **Podike**, so made as hath been said; it seems, that the **Marchland** men had no cleer title to the whole soil whereon it was erected; *Will. Bardolfe*, at that time Lord of the Mannors of **Stow**, **Wimbotesham**, and **Downham** (Lordships lying on the other side of the **Ouse**) chalenging some right therein: for in 35 *H.* 3. they came to an agreement with him, by a Fine[g] levyed before the Justices itinerant at **Norwich**, in the *xv* of S. *Martin*; the principal parties to the said Fine; being the then Bishop of **Ely**, the Prior of **Lewes**, the Abbots of **Ramsey**, **Dereham**, and S. **Edmundsbury**; *Thomas de Ingaldesthorp*, and *will. de Shouldham*: By which Fine, the said *will. Bardolf* quitted all his title, in the whole Marsh, called **West Fen** (through which the same bank extended) unto the said Bishop, Prior, Abbots, *&c.* and their successors for ever: And they to him and his heirs, the before-specified old bank (*viz.* **Podike**) and an *Cxx* acres of marsh, with the appurtenances, lying in the said **West fen**, within the same bank, Northwards; containing *xij* furlongs in bredth.

[g] Ex cod. MS. penes *Guib. Godard* Arm.

Marchland.

About three years after, the Sea-banks of this Province wanting repair, the Shireeve of **Norfolk** was required[h] to distrain all those persons, in the Lete of **Elenchwarton**, and **West Len**; who were Tenants of such lands, as ought to repair those Banks, in such sort as they had wont to be repaired, for repelling the inundations of the Sea and fresh waters; which Tenants to have afterwards allowance for the same from their Landlords.

[h] Clauſ. 33 H. 3. in dorſo m. 15.

What was then done therein I find not; but within four years ensuing, it appears[i], that the Inhabitants of this Country had exceeding great losse by the breach both of the Sea-banks, and those which should have kept off the fresh waters; insomuch as the King, being advertised thereof, commanded[k] the Shireeve of **Norfolk**, that he should forthwith distrain all the Land-holders, who might have benefit thereby, to repair and maintain those Banks and Ditches, according to the proportion of their said lands, lying within the bounds of them. And the next year following, upon more damage hapning, by a new inundation of the Sea, through the breach of those Banks towards **Wisbeche**, within the liberties of the Bishop of **Ely**; having required[l] the said Bishop to distrain all his Tenants, within this Province of **Merchland**, and elsewhere within his said liberties, who had defence and safeguard thereby, according to the quantity of their lands, lying within the said Banks, to repair and maintain them, as they ought and had used to do; he sent his Precept[m] to the Shireeve of **Cambridgshire**; thereby chardging him, that after the said Bishop had so distrained his said Tenants, as abovesaid, he the said Shireeve should not deliver any Cattel so taken by way of distresse, without the Kings special command.

[i] Clauſ. 41 H. 3. in dorſo m. 15.

[k] Clauſ. 43 H. 3. in dorſo m. 12.

[l] Clauſ. 43 H. 3. in dorſo m. 12.

[m] Clauſ. 43 H. 3. in dorſo m. 12.

In 16 *E.* 1. *Will. de Carleton*, and *Will. de Middilton*, were constituted[n] Commissioners to enquire of certain breaches in the Banks of *Robert de Scales* in the **Dawe** and **Ilsington**, in this Province;

[n] Par. 1. 16 E. 1. m. 9.

Marsh-land.

and to distrain all those who ought to repair them.

[o] Pat. 17 E. 1. m. 12.

The like Commission [o] had they the next year ensuing, for the view and repair of the Banks in **Tilney** and **Islington**, then broken by the raging of the Sea.

[p] Pat. 18 E. 1. m. 33. in dorso.

So also in 18 *E.* 1. had [p] the said *will. de Carleton*, and *Will. de Pageham*, for the banks called **Pokediche**, **Stwellediche**, **Fendiche**, and **Gildangoydiche**, then broken by flouds, in divers places.

[q] Pat. 21 E. 1. m. 11.

In 21 *E.* 1. the Inhabitants of this Country made a grievous complaint [q] to the King, importing, that whereas the bank called **Pokediche**, was antiently made, and had till that time been maintained by them, for the safeguard and preservation of those parts, against flouds of water; certain Malefactors, having a purpose to do them mischief, had made a hole in the said bank, and did by force and arms hinder those that would have stopt it; by reason whereof, aswell the tides from the Sea, as the fresh waters, overflowed the Pastures lying within the precincts thereof: the said King therefore, being very sensible of this great injury, assigned [r] *Peter de Campania*, *Thomas de Hacford*, and *Adam de Shropham*, to enquire by the Oaths of honest and lawfull men of this County, who they were that did make this breach; and to hear and determine of that trespasse. And the said King being informed, that in case the fresh waters, coming by **Atwell**, could have their course to the Sea, in such sort as that they might not mix with the waters running in **Mershland**; this Country of **Mershland**, by that severing of them, would be much amended; he commanded the said Commissioners, that they should forthwith go to the Town of **Atwelle**, and there take order, that the said fresh waters so descending that way, should have their due and antient course to the Sea, as formerly, so that this Country of **Marshland**, might have it's Drayn to the Sea by the same out-fall.

[f] Ex Regist. de Bamsey penes Henr. Cromwell arm. f. 117. a.

The next year following, the King directing his Commission [f] to *Simon de Elysworth*, and *Thomas de Hageford*, to enquire touching the defects in repair of the Bank called **Pokediche**, as also of other Banks and Sewers in this County, the Jurats for the Hundred of **Freth-bigge**, by virtue of the said Commission, did upon their Oaths present; that through the default of the Town of **Wigenhale**, in making and repairing of their Ditches above the **Podyke**, great losses had hapned in those dayes to these parts of **Mershland**, so that the lands of divers men were drowned by the inundations both from the Sea and fresh waters. And they also said, that the said **Pokedyke** could not be sufficiently repaired before the Feast of the *Nativity* of *S. John Baptist*, for the safeguard thereof, and of the Country; in regard that certain men of **Wigenhale** had divers lands lying adjacent to the same Bank, and some not; so that no earth could be digged there without the good will of those whose lands adjoyned thereto. Whereupon the said Commissioners decreed, that by the oversight of *John de Wykenhale*, *John de Reynham*, *Adam de Blowere*, and *Alexander de Walpole* (who were deputed thereto, upon their Oaths) earth should be taken off those mens lands which lay so there, for the repair of the said Bank; giving a valuable consideration for the same, according to the judgement of those persons so sworn; and that the repair thereof should be accomplished before the said Feast of the *Nativity* of *S. John Baptist*, upon penalty of an *C.* Marks.

At that time did the Jurors, also, for the Hundred of **Clakelose**, present upon their Oaths; that there was a certain Bank, betwixt the Town of **Atwell**, and the Priory of **Wolycourt**; which bank the Land-holders betwixt it and **Pokedike**, ought to repair and raise higher, for the advantage of the bank of **Pokedike**, and defence of the Country; *viz. Thomas de Ingaldesthorpe*, *John fitz Gilbert*, and others: wherefore the Shireeve had command to distrain them, by all their lands, betwixt **Atwell** and **Wolycourt**, till the said Bank was repaired as it ought to be.

Afterwards, upon *wednesday* after the *invention* of the holy Crosse, in the 23th year of the same King *Edw.* 1. the said Justices made another Inquisition, by *Robert de Hakebeche*, and others: who said upon their Oaths, that of necessity the water of **Upwell** ought to be stopt, at the house of *Raphe Smyth* of that town; and that the antient course thereof ought

to

to be ſcoured, and enlarged, from the Sluſes of **Elme**, to that ſtop in **Upwell**, to the bredth of *xl* foot, and deeper by ſix foot than it was at that time.

And they alſo ſaid, that it was neceſſary, that the ſaid water of **Upwell** ſhould have it's courſe by the **Little lade**, and a place called **Wadyngſtowe**, untill ſuch time as the before-ſpecified Sewer could be clenſed, repaired, and ſo enlarged. And they ſaid, that **Tyd S. Giles**, **Neutone**, **Leveringtone**, **Wiſebeche**, **Elme**, and **Upwell**, of the County of **Cambridg**, ſhould at their peculiar coſts repair the one half of that Sewer; and that *Robert de Scadeworthe*, Steward of **Ely**, did undertake for that moytie: And the Town of **Wygenhale**, on the part of **Marſhland**, **Tilneye**, **Tyringtone**, **Walpole**, **Waltone**, **Utwell**, **Walſokne**, **Enemethe**, **Clengwartone**, with the Commoners in **Marſhland** Common to repair, at their coſts, the other moytie; ſo that all thoſe Land-holders above the ſaid ſtop at **Upwell**, towards **Weremaund**, ſhould be totally quit of any contribution thereto. And the ſaid Steward of **Ely**, on the behalf of the ſaid County of **Cambridge**, was to ſuperintend *John de Fiſtone* and *Adam de Blowere*, Aſſeſſors and Collectors for the Town of **Wygenhale**; *Philip de Fenne*, and *Stephan fitz Walter*, Aſſeſſors and Collectors for the Town of **Tylneye**, and the Hamlets; *William de Sybille*, and *John de Dulingham*, Aſſeſſors and Collectors for the Towns of **Tyringtone** and **Walpole**; and *Raph fitz John*, together with the ſaid *John de Dulyngham*, Aſſeſſors and Collectors for the Towns of **Walſokne**, **Waltone**, and **Enemethe** (all ſworn and thereunto appointed) that they ſhould begin the ſaid ſtop, and clenſing of that Chanel, upon the morrow after *Aſcenſion* day, ſo that the ſame water ſhould, by ſuch ſcouring and enlarging of the ſaid antient Chanel, run before the *gule* of *Auguſt*, then next enſuing, under the penalty of an *C* l. And in caſe that paſſage, called **Lytlelode** and **Wadyngſtowe** ſhould not be ſufficient for the carrying away of thoſe waters, it was determined, that they ſhould be enlarged, as they were afore time, by the view of the Shireeve of **Norfolke**, both as often, and in what places need might require. And the Shireeve of **Norfolk** had command; that, as often as he ſhould be required to aſſiſt the perſons above-ſpecified, ſo deputed to aſſeſſe and collect thoſe moneys, he ſhould be aiding to them, not favouring either rich or poor therein. And it was alſo decreed, that **Lytlelode** and **Wadyngſtowe** ſhould be opened untill the before-ſpecified Sewer were clenſed, *viz.* the *gule* of *Auguſt*. **Marſhland.**

And the Jurers of both the ſaid Hundreds farther ſaid; that the chardge of ſcouring the ſaid Sewer might be defrayed for ſix ſcore and two pounds; whereof the Steward of **Ely**, did undertake to levy the moytie, upon the Towns in **Cambridgſhire**. And to this contribution, **Tilneye**, with the Hamlets belonging thereto, was taxed at *xi* l. **Tiringtone** at *xi* l. **Walpole** at *xi* l. **Waltone** and **Enemethe**, at *xi* l. **Walſokne** at *xi* l. **Wygenhale** at *C* s. and **Utwell**, in the County of **Norfolk**, at *xx* s. And if thoſe moneys would not ſuffice to perform the ſame, that then the Towns of both Counties to contribute more, as need ſhould require.

And the ſaid Shireeve had likewiſe command to diſtrain *Thomas de Ingaldesthorpe*, *Thomas de S. Omer*, *John fitz Gilbert*, *John Blakeman*, *Walter de Palmere*, *Simon fitz Agnes*, the Prior of **Wolycourt**, and *Alan le Mutere* (Land-holders in **Utwell** and **Wolycourt**) to repair the Bank betwixt **Welle** and **Wolycourt**, for the advantage of the ſaid Bank of **Pokedike**, ſo that every Acre ſhould be aſſeſſed alike in the ſaid contribution; and that the ſaid Bank ſhould be perfected before the Feaſt of *S. Peter ad vincula* (commonly called *Lammas*) upon penalty of *xx* l.

And the ſaid Shireeve of **Norfolk** had moreover command, that he ſhould diſtrain the before-ſpecified Town of **Utwelle** to the repair of the *Bank*, called **Sandy diche**, before the ſaid feaſt of *S. Peter ad Vincula*, upon penalty of *xx* l. And likewiſe to diſtrain all the tenants of the Lands of **Pachefeld**, and **Kirkefeld**, in the Towns of **Utwelle** and **Upwelle**, to repair the *Banks* and Ditches in thoſe fields; ſo that every Acre ſhould be aſſeſſed alike; and the ſaid repair accompliſhed before the Feaſt of *S. John Baptiſt*, upon penalty of *xx* l. And moreover to diſtrain all thoſe, who ought to repair

Marſh-land. and to diſtrain all thoſe who ought to repair them.

[o] Pat. 17 E. 1. m. 12. The like Commiſſion[o] had they the next year enſuing, for the view and repair of the Banks in **Tilney** and **Iſlington**, then broken by the raging of the Sea.

[p] Pat. 18 E. 1. m. 33. in dorſo. So alſo in 18 *E.* 1. had[p] the ſaid *will. de Carleton*, and *Will. de Pageham*, for the banks called **Pokediche**, **Stwellediche**, **Fendiche**, and **Gildangoydiche**, then broken by flouds, in divers places.

[q] Par. 21 E. 1. m. 11. In 21 *E.* 1. the Inhabitants of this Country made a grievous complaint[q] to the King, importing, that whereas the bank called **Pokediche**, was antiently made, and had till that time been maintained by them, for the ſafeguard and preſervation of thoſe parts, againſt flouds of water; certain Malefactors, having a purpoſe to do them miſchief, had made a hole in the ſaid bank, and did by force and arms hinder thoſe that would have ſtopt it; by reaſon whereof, aſwell the tides from the Sea, as the freſh waters, overflowed the Paſtures lying within the precincts thereof: the ſaid King therefore, being very ſenſible of this great injury, aſſigned[r] *Peter de Campania*, *Thomas de Hacford*, and *Adam de Shropham*, to enquire by the Oaths of honeſt and lawfull men of this County, who they were that did make this breach; and to hear and determine of that treſpaſſe. And the ſaid King being informed, that in caſe the freſh waters, coming by **Atwell**, could have their courſe to the Sea, in ſuch ſort as that they might not mix with the waters running in **Merſhland**; this Country of **Merſhland**, by that ſevering of them, would be much amended; he commanded the ſaid Commiſſioners, that they ſhould forthwith go to the Town of **Atwelle**, and there take order, that the ſaid freſh waters ſo deſcending that way, ſhould have their due and antient courſe to the Sea, as formerly, ſo that this Country of **Marſhland**, might have it's Drayn to the Sea by the ſame out-fall.

[r] 21 E. 1. m. 11.

The next year following, the King directing his Commiſſion[f] to *Simon de Elyſworth*, and *Thomas de Hageford*, to enquire touching the defects in repair of the Bank called **Pokediche**, as alſo of other Banks and Sewers in this County, the Jurats for the Hundred of **Freth-bigge**, by virtue of the ſaid Commiſſion, did upon their Oaths preſent; that through the default of the Town of **Wigenhale**, in making and repairing of their Ditches above the **Podyke**, great loſſes had hapned in thoſe dayes to theſe parts of **Merſhland**, ſo that the lands of divers men were drowned by the inundations both from the Sea and freſh waters. And they alſo ſaid, that the ſaid **Pokedyke** could not be ſufficiently repaired before the Feaſt of the *Nativity* of *S. John Baptiſt*, for the ſafeguard thereof, and of the Country; in regard that certain men of **Wigenhale** had divers lands lying adjacent to the ſame Bank, and ſome not; ſo that no earth could be digged there without the good will of thoſe whoſe lands adjoyned thereto. Whereupon the ſaid Commiſſioners decreed, that by the overſight of *John de Wykenhale*, *John de Reynham*, *Adam de Blowere*, and *Alexander de Walpole* (who were deputed thereto, upon their Oaths) earth ſhould be taken off thoſe mens lands which lay ſo there, for the repair of the ſaid Bank; giving a valuable conſideration for the ſame, according to the judgement of thoſe perſons ſo ſworn; and that the repair thereof ſhould be accompliſhed before the ſaid Feaſt of the *Nativity* of *S. John Baptiſt*, upon penalty of an *C.* Marks.

[f] Ex Regiſt. de Ramſey penès *Henr. Cromwell* arm. f. 117. a.

At that time did the Jurors, alſo, for the Hundred of **Clakeloſe**, preſent upon their Oaths; that there was a certain Bank, betwixt the Town of **Atwell**, and the Priory of **Wolycourt**; which bank the Land-holders betwixt it and **Pokedike**, ought to repair and raiſe higher, for the advantage of the bank of **Pokedike**, and defence of the Country; *viz. Thomas de Ingaldesthorpe*, *John fitz Gilbert*, and others: wherefore the Shireeve had command to diſtrain them, by all their lands, betwixt **Atwell** and **Wolycourt**, till the ſaid Bank was repaired as it ought to be.

Afterwards, upon *Wednesday* after the *invention* of the holy Croſſe, in the 23th year of the ſame King *Edw.* 1. the ſaid Juſtices made another Inquiſition, by *Robert de Hakebeche*, and others: who ſaid upon their Oaths, that of neceſſity the water of **Upwell** ought to be ſtopt, at the houſe of *Raphe Smyth* of that town; and that the antient courſe thereof ought

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to be ſcoured, and enlarged, from the Sluſes of **Elme**, to that ſtop in **Upwell**, to the bredth of *xl* foot, and deeper by ſix foot than it was at that time.

And they alſo ſaid, that it was neceſſary, that the ſaid water of **Upwell** ſhould have it's courſe by the **Little lade**, and a place called **Wadyngſtowe**, untill ſuch time as the before-ſpecified Sewer could be clenſed, repaired, and ſo enlarged. And they ſaid, that **Tyd S. Giles**, **Meutone**, **Leveringtone**, **Wiſebeche**, **Elme**, and **Upwell**, of the County of **Cambridg**, ſhould at their peculiar coſts repair the one half of that Sewer; and that *Robert de Scadeworthe*, Steward of **Ely**, did undertake for that moytie: And the Town of **Wygenhale**, on the part of **Marſhland**, **Tilneye**, **Tyringtone**, **Walpole**, **Waltone**, **Utwell**, **Walſokne**, **Enemethe**, **Clengwartone**, with the Commoners in **Marſhland** Common to repair, at their coſts, the other moytie; ſo that all thoſe Land-holders above the ſaid ſtop at **Upwell**, towards **Weremaund**, ſhould be totally quit of any contribution thereto. And the ſaid Steward of **Ely**, on the behalf of the ſaid County of **Cambridge**, was to ſuperintend *John de Fiſtone* and *Adam de Blowere*, Aſſeſſors and Collectors for the Town of **Wygenhale**; *Philip de Fenne*, and *Stephan fitz Walter*, Aſſeſſors and Collectors for the Town of **Tylneye**, and the Hamlets; *William de Sybille*, and *John de Dulingham*, Aſſeſſors and Collectors for the Towns of **Tyringtone** and **Walpole**; and *Raph fitz John*, together with the ſaid *John de Dulyngham*, Aſſeſſors and Collectors for the Towns of **Walſokne**, **Waltone**, and **Enemethe** (all ſworn and thereunto appointed) that they ſhould begin the ſaid ſtop, and clenſing of that Chanel, upon the morrow after *Aſcenſion* day, ſo that the ſame water ſhould, by ſuch ſcouring and enlarging of the ſaid antient Chanel, run before the *gule* of *Auguſt*, then next enſuing, under the penalty of an *C* l. And in caſe that paſſage, called **Lytlelode** and **Wadyngſtowe** ſhould not be ſufficient for the carrying away of thoſe waters, it was determined, that they ſhould be enlarged, as they were afore time, by the view of the Shireeve of **Norfolke**, both as often, and in what places need might require. And the Shireeve of **Norfolk** had command; that, as often as he ſhould be required to aſſiſt the perſons above-ſpecified, ſo deputed to aſſeſſe and collect thoſe moneys, he ſhould be aiding to them, not favouring either rich or poor therein. And it was alſo decreed, that **Lytlelode** and **Wadyngſtowe** ſhould be opened untill the before-ſpecified Sewer were clenſed, *viz.* the *gule* of *Auguſt*. **Marſhland.**

And the Jurers of both the ſaid Hundreds farther ſaid; that the chardge of ſcouring the ſaid Sewer might be defrayed for ſix ſcore and two pounds; whereof the Steward of **Ely**, did undertake to levy the moytie, upon the Towns in **Cambridgſhire**. And to this contribution, **Tilneye**, with the Hamlets belonging thereto, was taxed at *xi* l. **Tiringtone** at *xi* l. **Walpole** at *xi* l. **Waltone** and **Enemethe**, at *xi* l. **Walſokne** at *xi* l. **Wygenhale** at *C* s. and **Utwell**, in the County of **Norfolk**, at *xx* s. And if thoſe moneys would not ſuffice to perform the ſame, that then the Towns of both Counties to contribute more, as need ſhould require.

And the ſaid Shireeve had likewiſe command to diſtrain *Thomas de Ingaldesthorpe*, *Thomas de S. Omer*, *John fitz Gilbert*, *John Blakeman*, *Walter de Palmere*, *Simon fitz Agnes*, the Prior of **Wolpcourt**, and *Alan le Mutere* (Land-holders in **Utwell** and **Wolpcourt**) to repair the Bank betwixt **Welle** and **Wolpcourt**, for the advantage of the ſaid Bank of **Pokedike**, ſo that every Acre ſhould be aſſeſſed alike in the ſaid contribution; and that the ſaid Bank ſhould be perfected before the Feaſt of *S. Peter ad vincula* (commonly called *Lammas*) upon penalty of *xx* l.

And the ſaid Shireeve of **Norfolk** had moreover command, that he ſhould diſtrain the before-ſpecified Town of **Utwelle** to the repair of the *Bank*, called **Sandy diche**, before the ſaid feaſt of *S. Peter ad Vincula*, upon penalty of *xx* l. And likewiſe to diſtrain all the tenants of the Lands of **Pachefeld**, and **Kirkefeld**, in the Towns of **Utwelle** and **Upwelle**, to repair the *Banks* and Ditches in thoſe fields; ſo that every Acre ſhould be aſſeſſed alike; and the ſaid repair accompliſhed before the Feaſt of *S. John Baptiſt*, upon penalty of *xx* l. And moreover to diſtrain all thoſe, who ought to repair

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repair the Bank at Pokedyke, so that it might be finished before the Feast of *S. John Baptist*, upon pain of xx l.

And because it was presented by *John de Wygenhale*, *John de Reynham*, &c. then deputed by the said Justices to take earth for the repair of the said bank of Pokedike, from the ground lying neerest thereto; and that the Abbot of Dereham had within the same bank CCC. acres of land; they were commanded to take earth off the said Abbots land, lying an Acre distant from the Bank, provided that the said Abbot had competent satisfaction for the same, according to the judgement of the said Jurats: because there was no other earth, within that Bank to be found, so proper for that service.

Howbeit, no sooner was the before-specified Chanel at Littlelode so made, as by the Decree of the said Comissioners had been directed; but that some mischievous people, broke and threw down the banks thereof; the King therefore, upon complaint to him thereof made, did grant a new Commmission [t] unto the said *Simon de Ellesworth*, and *Thomas de Hakeford*, to view the same, and to enquire out the Malefactors.

[t] Par. 21 E. 1 m. 18. in dorso.

And for the better discovery of them, did, the year following, issue out another Commission [u] unto *Will. de Bereford*, *Will. de Carletone*, and *Simon de Ellesworth*: by which there is mention made; that *Peter de Campania*, *Thomas de Hacford*, and *Adam de Shorpham*, having been appointed to view where and in what manner the water of Utwelle before spoken of, might have it's passage to the Sea, by Chanels and Gutters, without mixing with the waters of the adjacent Towns, for the more security of the Inhabitants of that Country; did cause it to be stopt in three places, and reduced to it's right and antient Chanel.

[u] Par. 24 E. 1. m 11. & m. 13. in dorso.

The like Commission, [w] about three years after, was directed to *William de Carletone* and *Will. Haward*. Whereupon they met at Welle upon *Wednesday* after the Octaves of *Easter*, at which time and place the Shireeve of Norfolk brought a Jury; who being then and there sworn, said upon their Oaths, that *Robert Russel*, Bayliff to the Abbot of Ramsye, *John Mayner*, *Walter Hulleman*, and others, did by force and arms break down that Dam, so made at Smalelode, as hath been observed: and that *Richard Curteys* broke the other at Wadyngstowe: for which respect the said Shireeve was commanded [x] to take the said *Robert*, *John*, *Walter*, and the rest of those Malefactors, and imprison them safely, till he should receive farther order.

[w] Ex præf. cod. MS. penès *H. Cromwell.* arm.

[x] Ibid.

In 1 *E.* 2. at a Session [†] of Sewers held at Cowstowe (within the Liberties of Tilney) before *Richard de Halstede* and others, upon the *Monday* next after the Feast of the Apostles *Peter* and *Paul*; it being found by the Jurors, that the Sea-bank from the stone Crosse unto Cowstowe, aforesaid, was then in good repair; *viz.* in bredth *xij* foot, and as high as was necessary; the Prior of Meremonde, and Sir *Henry de Walpole* Knight, Attorneys to the Prior of Irwoth, did take exceptions against that verdict, because it was presented to be a Sea-bank; alleging, that from Lakebrigge to Cowstowe, there was not any Sea-bank or Marsh-wall: but that there was a certain Causey for driving of Cattell belonging to the Towns of Upwell and Utwell, into and out of their Common within the Fen; which Causey was no safeguard to any mans land; and that it was then sufficient for that purpose, with some repair of a few defects therein.

[†] Ex cod. MS. penès *G. Godard*, arm.

Whereupon the said Prior and *Henry* required judgement from the before-specified Commissioners therein; and that the persons who had benefit by such driving of their Cattel too and fro, should contribute to the making and repair thereof, according as they had Commodity thereby, as it was the Custome of the Country, and as the said Kings Commission did direct: which Judgement and Decree, was published accordingly; and the said Jurors amerc'd for their erroneous presentment.

After this, *viz.* upon *Saturday* next after the Translation of *S. Thomas* the Martyr, in the first year of the said Kings reign, at a Session of Sewers held at Wisebeche, came the said Prior of Wermonde, and Sir *Henry de Walpole*, before *R. de Seytone* and his fellow Justices, in the behalf of the said Prior of Irwoth; and took exceptions against the verdict of the Jurors made at Welle,

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in the fourth year of the ſaid Kings reign, in regard they then preſented, that the ſaid Prior had two brecks upon the brink of his Frontier, which he ought to amend and repair; and that they ſaid and decreed; that, from the ſaid **Stone-croſſe** unto **Cowſtowe**, each man ought to be chardged to the making of his ſaid brinks ſo adjoyning to his Frontiers. Which Prior then ſaid; that from **Lakebrigge** to **Cowſtow**, there was neither Sea-bank, nor Marſh-wall, or any other defence than only a Cauſey whereupon the Commoners of the Countrey did drive their Cattel; and that every man ought to be aſſeſſed for the repair thereof, according to the benefit which he had by it; and this he deſired might be enquired of by the Jurors: Who, being accordingly impanelled and ſworn, did on the behalf of the ſaid Commoners of **Welle** juſtifie the ſaid Decree; and thereupon they put themſelves upon tryal of another Jury. Which Jury being ſworn, ſaid, that the ſaid Bank from **Lakebrigge** to **Cowſtowe**, was not then a Bank for the ſafeguard of any mans land, as aforeſaid: howbeit, in antient time, before the freſh waters had their paſſage towards **Wigenhale**, it was a ☞ Bank of defence; but ſince that, it neither was, nor could be, except a new Ordinance were made; in regard of the exceſſe of water, and height of the ground.

And they farther ſaid, that the before-ſpecified Prior, in thoſe days, was not alone lyable to the making and repair of the ſame Bank, from his Priory unto **Cowſtowe** (as the ſaid Jurors had preſented) becauſe he did not alone receive benefit thereby. And they ſaid, that the Bank within thoſe bounds, was the ſafeguard and defence of the Fiſhing there, and for the Paſturage of the Commoners; becauſe that by the ſaid Bank the ſame Priors fiſhing and other borderers, was both kept from the Sea-water; and that the Fiſh could not get away into the Fen. And as to the Paſturage; they ſaid, that the ſame Bank did ſerve for divers Commoners and people of the Counties of **Huntendon**, **Cambrigge**, and **Norfolke**; to drive their Cattel to and fro from the Commons of the Fen.

And they did finally ordain; that the ſaid Prior, and every perſon having fiſhing within the bounds from **Lakebrigge**, towards **Cowſtowe**, ſhould according to the quantity thereof, and the Commodity he had thereby, make the ſaid Cauſey and Bank: And that the ſaid Prior and every Commoner of the whole Hundred of **Wiſebeche**, and all others, who had drift for their Cattel that way, ſhould contribute to the repair and maintenance thereof, according to the benefit which accrued to them thereby, as aboveſaid. And moreover, that the ſaid Prior ſhould recover damages, for that erroneous preſentment; which were tax'd at *xx* ˢ. **Marſh-land.**

In 7 *E.* 2. *Walter* Biſhop of **Cov.** and **Lich.** and *Henry de Stantone* were aſſigned [y] to view the Banks and Sewers in theſe parts of **Marſhland**, and to take order for their repair. The like aſſignation [z] in 12 *E.* 2. had *John Haward* and *John Hotoft*, for thoſe at **Tirington**. So alſo, the next enſuing year, had *Thomas de Ingoldesthorpe*, *John de Fitton*, *John de Hotoft*, and *Will. Bataile*, for all the banks throughout this Province of **Marſhland**.

[y] Pat. 7. *E.* 2. p. 2. m. 14. in dorſo.

[z] Pat. 12. *E.* 2. p. 2. m. 11. in dorſo.

But in this laſt ſpecified Commiſſion, the ſaid *Thomas de Ingoldesthorpe* and his aſſociates, did [a] nothing in effect; ſo that, great complaint [b] was made to the King by the Inhabitants in theſe parts: he therefore iſſued out a new Commiſſion to them, bearing date the 24th of *Auguſt*, in the 14th year of his reign, commanding them, that without delay they ſhould proceed therein. Whereupon a Jury was ſummoned to attend them at **Tyrington**, upon *Fryday*, being the Feaſt day of the *Decollation* of *S. John Baptiſt*. Who appearing accordingly, did upon their Oaths preſent, that the preſervation of the Town of **Wigenhale**, on one ſide the great River of the ſame Town *viz.* upon the Southweſt part, was one and the ſame; and that all the Landholders, on that ſide thereof, were equally preſerved: and that the ſafeguard thereof likewiſe on the other ſide, to the North-eaſt, was alſo all one.

[a] Plac. coram Rege term. *Mich.* 15 *E.* 2. Rot. 22. *Norff.*

[b]

And that the Cauſey called **Old fen diche**, was made and repaired by the Pariſhioners and Tenants of *S. Mary*, *S. Peters*, and *S. Germans* of **Wigenhale**; and not by the Pariſhioners of *S. Mary Magdalens*.

And it was likewiſe found, that aſwell

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the ſaid Cauſey of **Old fen diche**, as all other Cauſeys and Banks of the whole Town of **Wigenhale**, of what kind ſoever; as the Lands and Tenements of all and ſingular the Tenants of the ſaid Town, were preſerved by the ſaid banks from inundation and drowning by the Salt waters: and that the repair of thoſe *Banks* tended to the Commodity of the ſaid Tenants of all that Town; foraſmuch as whilſt the ſaid *Banks* and Ditches were repaired, the making and maintaining of thoſe Cauſeys was no chardge at all. And moreover it appeared, that by the view of the ſaid *Thomas* and his aſſociates, and by that Inquiſition, that thoſe *Banks* which were good, at the time of the Agiſtment made by the before-ſpecified *Will. de Carleton*, were then bad; and that many places, which were at that time better than ordinary, were then, by reaſon of the ebbing and flowing of the Sea, much worſe. Whereupon the ſaid *Thomas* and his aſſociates thought fit to make a new Agiſtment for the common ſafeguard of the ſaid Town of **Wigenhale**; and therefore ordered, that the Land-holders there, ſhould make good their *Banks* and Ditches on that ſide of the ſaid River.

[c] Ibid.

After this, in another Seſſion [c] of the ſaid *Thomas de Ingaldesthorpe*, and *William Bataile*, held at **Tirington**, upon *Monday* next after the Feaſt of *S. Valentine*, in the ſeventeeth year of the ſaid King *Edward* 2. the Jurors of **Wigenhale** did ordain and ſay; that it was neceſſary for the ſafeguard of the Inhabitants and Land-holders of that Town; as often as any diſtreſſes ſhould be made upon any perſons for the proportion aſſeſſed upon them, according to what they held; or upon the Collectors or Receivers of the moneys ſo aſſeſſed; that, after the impounding of them by the ſpace of three days, or delivery by Replevin, they ſhould be prized by honeſt and lawfull men of the ſaid Town, in the preſence of the Guardians of the Banks, and by the ſaid Guardians expoſed to ſale; and the money received upon ſuch ſale, to be imployed upon the affairs of the Commonalty: And that the ſurpluſage of ſuch money, over and above the juſt proportion thus aſſeſſed, to be reſtored to the party ſo diſtrained: Saving to the Guardians of thoſe Banks, and their Bedels, *Bylaw*, *Byſcot*, *Triſcot*, and *Wopenys*, according to the Cuſtome of thoſe parts.

But as the expence, in ſuch a conſtant ſupport of theſe Banks, Ditches, Bridges, Sluſes, and Sewers, within this Province, was great; conſidering the frequent aſſaults which the Sea, in tempeſtuous ſeaſons, did make upon the one ſide thereof; and the freſh waters of ſo ſpacious a Fen, agitated by boyſterous winds and ſtorms (eſpecially in the time of extraordinary flouds) on the other: ſo, for thoſe reſpects, was the regard not ſmall. For, * whereas the whole Hundred of **Frethebrigge**, in this Shire, conſidering the chardges whereunto it lay ſubject, in ſupporting works of this kind, by reaſon of the like perils, had time out of mind, in all publick payments whatſoever, relating to the whole County, enjoyed the exemption from any more than a *xij* part thereof; the Towns of this Province, *viz.* **Walſokne**, **Weſtwalton**, **Walpole**, **Tiringtone**, **Tilney**, **Wigenhale**, and **South Lenne**, were rated but at a third part of that *xij*. as is evident from the ſaid Kings Precept, * bearing date 16 *March*, in the *xviij* year of his reign, directed to *Conſtantine de Mortimer*, *William Bernak*, *Roger de Kerdeſtone*, and *Geffrey de Wyche*, then Commiſſioners for the levying and arraying a thouſand & fourty Foot-Souldiers, within this County, for his ſervice. By which Precept it appears; that the certain chardge whereunto this Province ſtood then expoſed, was no leſſe than a thouſand and fifty pounds *per annum* (a vaſt ſumme in thoſe days:) and that within the compaſſe of *xl* years before, through the raging of the Sea, no leſſe than ſeven hundred Acres of land in this Country, were utterly loſt.

* Clauſ. 18 E 2. m. 12.

In 2 *E.* 3. *Thomas de Reppes*, *Richard de Depham*, and *Thomas Shilling*, were conſtituted [d] Commiſſioners for the view and repair of the *Banks*, Ditches, and Sewers, lying betwixt **Wygenhale**, **Tirington** and **Lenne** *Epiſcopi*. Whereupon the Shireeve had command [e] to ſummon a Jury to attend them at **Iſlington** upon *Monday* being the Feaſt day of the *Decollation* of *S. John Baptiſt*: Who appearing, accordingly, preſented [f] upon their Oaths, that all the Lands and Tenements, Common of Paſture, and Fiſhings,

[d] Par. 2. E. 3. p. 2. m. 30. in dorſo.

[e] Plac. coram Rege term. *Mich.* 30 E. 3. Rot. 105.

[f]

ings, Gutters, Sewers, Bridges, *&c.* lying on the Sea-coaſt, betwixt **Wigenhale, Tirington,** and **Lenne** *Epiſcopi*, were within the Towns of **Tylney** and **Iſlington** (which is a Hamlet of **Tilney**) and did common together; and betwixt which, there was no metes or bounds, the Pariſhes being limited by Fees: ſo that they ſaid; that the defence of the whole Town of **Tilney** and **Iſlington**, aſwell on the South ſide of **Fendiche**, as on the North towards the Sea, was all one: And that all the Landholders of that whole Town were equally ſecured and defended, by all the Sea banks, and banks of the River and Fen, invironing the ſaid Town of **Tilney** and **Iſlington**. And likewiſe, that of neceſſity there ought to be a new Agiſtment made, and an aſſignation of banks in the parts aforeſaid.

And moreover, that it would be neceſſary for the preſervation of thoſe parts; that there ſhould be kays, and ſix ſhores made, betwixt *Palmerys* **old ut gong**, and the Lands of Sir *John de Engaldeſthorpe*, at the charge of all the Landholders in thoſe parts: And that every Inhabitant in thoſe parts, ſhould do *Men werkes* according to the number of Acres which they held. And that from year to year, (according to antient cuſtom) there ſhould be choſen three Guardians for the ſafeguard of thoſe parts: And that all the Gutters and Sewers ſhould be maintained in common, at the charge of all the Landholders there, excepting **Iſlington bigge**, and the houſe of *Robert de Middilton*, which is done at the charges of *John de Engaldeſthorpe*, and the heirs of Sir *Robert de Scales*: and excepting **Black diche bigge** at **Tilney Stow**, towards the Fen, which is done at the charges of the Inhabitants of **Walſokne** and **Emneth**.

But the men of **Iſlington**, who held Lands in the fields called **Weſtfeld, Harpe**, and **Sibille**, were much unſatisfied with what was done by the before ſpecified Commiſſioners; and thereupon informed [g] the King, that though they ought not to repair a certain bank, called **Leſſe diche** of **Tilney**, or any part of the ſame, nor ever had wont to do; and that they neither had Lands, common of Paſture, or fiſhing neer the ſame bank, nor any ſafeguard or defence thereby; but that, for their Lands and Tenements, Barth- they then did, and of antient time had land. repaired a certain bank called **Blake diche**, by which they had benefit and preſervation: Nevertheleſs, at the proſecution of the Inhabitants of **Tilney**, who ought, and had alwaies uſed to repair and maintain, totally, the banks called **Hoddich**; under colour of an Inquiſition, touching certain things which were amiſs in thoſe parts, taken before them, the ſaid Commiſſioners, they did adjudge a certain part of that bank to be repaired and maintained by the ſaid men of **Iſlingtone**; whereupon they were diſtrained ſo to do. The ſaid King therefore being deſirous that all parties ſhould have right done to them therein, required the before ſpecified Commiſſioners, to tranſmit the whole proceſs of their doings therein unto him, in the xv. of S^t. *John Bapt.* then next following. At which day, both the men of **Iſlington** and **Tilney** came: but the hearing thereof was then reſpited till the *Octaves* of S^t. *Michael*; and at that time did *Thomas atte Lache*, one of the Inhabitants of **Tilney**, appear accordingly; but they of **Iſlington** appeared not: therefore the men of **Tilney** had execution of what had been decreed by the before mentioned Commiſſioners.

At the ſame time there was complaint [h] made to the King, on the behalf of the Abbot of S^t. *Edmundsbury*, that whereas he the ſaid Abbot held certain Lands in **Tilney** and **Iſlyngton**, which had antiently belonged to that Monaſtery; and notwithſtanding that every Landholder there, and in the parts adjacent, ought to defend their own proper grounds, at their own peculiar charge, againſt the force of the Sea; and make and repair certain banks for their better preſervation, by the appointment of the Juſtices of Sewers, and likewiſe by cuſtom: nevertheleſs certain men of thoſe parts, having an aim to alter that their cuſtom, and to compell the ſaid Abbot and certain others; who, to their great charge did make and maintain the banks againſt their own Lands, to contribute likewiſe, in common to the repair of all the other banks; had procured certain Juſtices of Sewers to view thoſe banks; which they did accordingly, not giving notice to thoſe complaynants: the ſaid King therefore,

[g] Ibid.

[h] Ibid.

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by his Writ directed to *Henry le Scrope*, and his fellow Justices of the Kings Bench, required them to take the business into consideration; and in case they should finde, that the before specified information was true, then to discharge the said Abbot, and the other persons concerned therein.

In 5 *E.* 3. *John de Cantebrig*, *Will. Lovell*, *Walt. de Glemesford*, and *John de Waltham* were assigned [i] to view the banks and ditches in these parts of *Mersh* land, and to take order for their repair. The like appointment [k] in 7 *E.* 3. had *Simon de Drayton*, *Will. Lovell*, *Will. de Dunton*, and *Peter Fitz waryn*.

[i] Pat. 5. E. 3 p. 1. m. 39. in dorso.

[k] Pat. 7. E. 3. p. 2. m. 25. in dorso.

In 9 *E.* 3. at a Session [l] of Sewers held at the Church of **Wigenhale** S^t. *Mary*, upon the *Monday* next after the Clause of *Easter*, before *John Howard* the elder, and other Justices; the Jurors presented; that the safeguard of the whole Town of **Tilney** and **Islington**, was one and the same; and that all the Lands and Tenements, and the holders of them; as also of common of Pasture and fishing there, were equally secured and defended by the Banks, Ditches, and Sewers belonging thereto, from the inundation of the Sea, and flowing of the fresh waters. And they said; that in the dayes of K. *Edward* the first, there was an equal assignation made, to the Inhaitants and Tenants of these Towns, according to each mans proportion, of the banks, ditches, and causeys belonging thereto, by *Will. de Carleton* and his associats, then Justices of Sewers: at which time the charges were easy; but then, through the raging of the Sea, and flouds of fresh waters, very heavy and grievous to bear: As also that the said charge was, then, so unequally assessed, that some persons were burthened more by an hundred fold, considering their proportions of Land, than others; whereby they were so impoverish'd, that they were not then able to contribute any farther to these repairs: and that by their decay, much damage had already accrued there; and more was likely to happen, if speedy remedy were not had. Wherefore they said, that, of necessity, there ought to be a new Agistment made, of the said banks and ditches, and an assignation of a fit proportion to each man, for the maintaining whereof they might be continually compell'd.

[l] Ex cod. MS. penes *G. Goddard*, atm.

And they said moreover; that the ground whereupon the Ditches and Banks stood, betwixt **Edyensgole**, and the East corner of the Tenement of *John de Engaldesthorpe*, in the **Frith**, within the said Towns of **Tilney** and **Islington**, was daily torn up by the boysterous Sea tides, and flouds of fresh waters; insomuch as the said banks could not be preserved, in any sort, by that Agistment, to defend the said Town from drowning: therefore they said, that for safeguard of that Town, there must, of necessity be made certain *Kays*, and four or six *Schrops*, betwixt **Edyensgole**, and the said corner, at the charge of all the Landholders throughout the whole Town.

And they ordained; that, whereas by reason of the like danger in another place, between **Knight's gole**, and the gutter called **Cattesback dole**, the Sea banks would not be sufficient to defend the Town from drowning; there should be made, forthwith, certain *Kays* and *Schrops*, at the charge of the whole Town: and and that no bank should be thrown down towards the River, betwixt those Goles, in any place but where they then were, untill by assessment they could be maintained at less charges. And that the whole bank and chanel of the river, betwixt the said gutters be made; and, if need required, raised two foot higher; so that it should contain *xiii.* foot in bredth at the top, and at the bottom a thickness proportionable thereto.

And they also said, that the banks upon the river side, betwixt **Skalys gole** and **Cattesbak**, were grown so narrow towards the bottom, by reason of the often sinking down of the Earth, that the Cart way, which is of *xxiiii.* foot in bredth towards the said banks and ditches, for the whole length thereof, was by those banks and ditches totally interrupted and stopt: whereupon they ordained, as before that time it had been, that *xxiiii.* foot of ground should be added thereto, from the Land next adjoyning.

And they farther said, it was necessary, that all the Sewers and Gutters, great and small, as also the common Bridges in **Tilney** and **Islington**, with the gutters of **Sibley**, and at the Mill, sometime belonging to *William de Fen*, upon the Fen ditch in **Tilney**, should be continually repaired, at the charges of the whole Town,

as

as often as need ſhould require; with the help of the Town of **Tirington**; and for ſcouring the Sewers of **Weſenhamdale** in **Tilney**, to the gutter called **Scales gole**; and to make and maintain the ſame gutter continually: which ſaid aſſiſtance did meerly belong to the Inhabitants and Landholders of **Tilney**, for the drayning and avoiding of the waters from all the Tenements of the Town of **Tirington**, betwixt **New Fen ditch**; *viz.* from the houſe of *Laurence Chapell* Northwards, to the great Sea bank; within which ſpace, more than five thouſand acres were contained; excepting the great gutter called **Knight's gole**, which was to be made and maintained, aſwell at the coſts of **Tirington**, **Walpole**, **Walſoken**, and **Emneth**; and that part of **Wigenhale** which hath commodity thereby; as the Towns of **Tilney** and **Ilſington**; and excepting the Bridge at *Robert de Midleton*'s houſe, which was to be alwaies made and maintained by *John de Engaldeſthorpe*, and *Robert de Scales*, in conſideration of the fiſhing there, antiently granted to them and their anceſtors, and accordingly enjoyed, in common with the Towns of **Tilney** and **Ilſington**. And excepting likewiſe the Bridge called **Black ditch bridge** unto the Fen at **Tilney ſtowe**, which the Inhabitants and Land-holders of **Walſoken** and **Emnethe** were obliged to make and continually maintain, for the waters deſcending thereby to the Sea, as they had uſed to do, for the cauſe aforeſaid, time out of mind. And likewiſe excepting the ſeveral Bridges of all the Tenants and perſons converſant upon that Sewer, which was betwixt the houſe of *Rob. de Midleton* and **Gullysgole** in **Ilſington**: & excepting all the particular Briges of ſuch perſons as were converſant upon the Sewers betwixt the **Feddich**, and **Cuntesforth bigge**, in **Tilney**; becauſe they belonged ſpecially to thoſe perſons.

And they ſaid that the Sewer from **Cullowe** in **Tirington**, to **Tilney Fen bigge**, ought to be *xii* foot in bredth throughout; and the Bridge there of the ſame wideneſs at the bottom. And that the Sewer from thence to **Ilſington** bridge, ought to contain *xvi* foot in bredth, throughout; and the ſame bridge *xii* foot at the ground. And the Sewer from thence, unto the gutter called **Knight's gole**, *xviii* foot in bredth for the water courſe; & every Bridge beyond that Sewer, upon that current, *xvi* foot in bredth. And that all the ſaid Sewers, with the Gutter, called **Knight's gole**, and the common bank adjoyning to the ſaid Gutter, ought to be repaired & cleanſed, from thenceforth, aſwell by the remote Towns, which have benefit thereby, as by the ſaid Towns of **Tylney** and **Ilſington**, as antiently had been accuſtomed. And that the common Sewer, betwixt **Old fen diche**, and **Oſgood hirne** ſhould be eight foot in bredth at the leaſt: and that upon the cleanſing and ſcouring thereof in every place, half the earth ſo caſt out, to be carryed to raiſe the common Drave higher. And all the Bridges over the ſaid Sewer, ſix foot in bredth, at the leaſt: which Sewer to be ſcoured at the charge of all thoſe that reſided neer thereto. Marſh-land.

And they likewiſe ſaid, that the Sewer from the weſt ſide of the croft, belonging to the meſſuage of *Will. de Weſtbrigg*, ought to be alwaies ſcoured and maintained, amongſt the reſt of the common Sewers, unto the North part of the Abbot of **Dereham's** Land, by the Hadeland there lying, and there turning neer the ſame Land, to the Sewer next unto the Drave. And that the Trenches betwixt the tenement of *John* the Son of *Peter Dreigh*, & *John Sabine*, and elſewhere in the Hadeland, called **Sonnerfye**, which is unduly made a comon path, ſhould be forthwith ſtopp'd up, and ſo kept thenceforth, to the end that the ſame path might be hindred.

And they moreover ordained, all the Sewers belonging to the ſaid Town of **Tilney** and **Ilſington**, to be opened in every place, and ſo kept for ever.

And they farther decreed, that for the inviolable performance of all the beforeſpecified Ordinances, reaſonable Taxes ſhould be moderately aſſeſſed by the Guardians for the ſafeguard of thoſe places; and chiefly by *xij.* others authorized and aſſociated to them; and then collected by *Geffrey at Falyate*, &c. And that the ſaid Guardians, with the aſſiſtance of thoſe twelve, ſhould diligently enquire of the tranſgreſſors of thoſe Ordinances; and compell them to make due ſatisfaction for the ſame, by diſtreſs & ſale of their goods, & grievous amercements, as often as there ſhould be occaſion.

And the ſaid Jurors did alſo decree,

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decree, that the ſame penalties and puniſhments againſt ſuch as ſhould violate thoſe ordinances, or negligently in any ſort withdraw themſelves in the obſervance of them, ſhould firmly and inviolably be impoſed from thenceforth, forever, as were then, and had time out of mind been uſed in *Wigenhale*, and other Towns in theſe parts of **Marſhland**, for the ſafeguard of the Country; *viz.* that as often as any one, of what eſtate or condition ſoever, ſhould not repair his proportion of the banks, ditches, and cauſeys before-ſpecified, for the preſervation of the ſaid Towns of **Tilney** and **Iſlington**; as alſo the ſaid common Sewers belonging to him, according to the Ordinances aforeſaid; that a fit day ſhould be aſſigned him by the before-ſpecified Guardians, before which no peril might probably happen: and in caſe he did not perform the ſame within that time, that *xii* [d]. (which is called a *Bilawe*) ſhould be levyed upon him, for every perch unrepaired: And then another day to be given him, to accompliſh the ſame, before which no danger might in likelyhood happen; and in caſe he did not make performance thereof before that time, that then he ſhould pay for every perch two ſhillings, which is called *Biſcot*. And then, that a third day ſhould be allowed him to effect the ſame, before which no peril might probably happen; within which time in caſe he fayled, to pay for every acre three ſhillings, which is called *Triſcot*: And thenceforth that the ſaid delinquents in thoſe neglects, to be alwaies diſtrained, and the diſtreſſes to be prized openly, and ſold by *xij* honeſt and lawfull men of the ſaid Towns of **Tilney** and **Iſlington**; and the moneys ariſing by ſuch ſale of thoſe diſtreſſes, imployed in the performance of the ſaid repairs; and the remainder, in caſe there ſhould happen to be any, to be forthwith reſtored: Saving alwaies to the ſaid Guardians, the forfeitures of the *Bilaws*, *Biſcots*, and *Triſcots*, for the cauſes aforeſaid.

In the Winter ſeaſon of this year, ſo great were the tempeſts, [m] that the Towns of **Walſoken**, **Weſtwalton** and **Enemuthe** received extraordinary loſs by inundations from the Sea, inſomuch as they became Petitioners to the King for ſome alleviation of the taxe, of a *Fifteen*, then granted to him in Parliament by the Commons of this Realm: whereunto the ſaid King did graciouſly condeſcend, and thereupon directed his Precept [n] to the Treaſurer and Barons of his Exchequer, as alſo to the Aſſeſſors and Collectors of the ſame, to abate unto them eight pounds thereof, the whole ſum being *Lx* [l]. The next year following, *Geffrey de Colevill*, *Roger de Hakebeche*, *Geffrey Bryſeyard*, and *Adam de Fincham*, were conſtituted [o] Commiſſioners for the view and repair of the banks and Sewers neer **Walpole**, in this Province. In the winter of which year, the Sea was ſo outragious, that it brake the banks in ſundry places, drowned many cattel, and ſpoyled a great quantity of corn: ſo that the Inhabitants of **Tilney**, **Walpole**, **Walſokne**, **Weſt walton**, and **Emeluthe**, petitioning [p] the King for remedy therein, he aſſigned [q] *Conſtantine de Mortimer*, *John de Hiderſete*, and *John de la Rokele*, to make enquiry thereof, and conſider of ſome ſpeedy way of redreſs.

Whereupon a Jury was impanelled and ſworn; who preſented [r] upon Oath, that the Town of **Tilney** had a certain bank towards the Sea, on the Eaſt part of the ſaid Town, extending it ſelf from the Town of **Clenchwarton** towards **Wigenhale**, and containing in length two miles; the charge in repair and maintenance of one mile and an half thereof, amounted to *Lviii* [l]. *x* [s]. *viz.* for every perch *xviii d.* and the other half mile *vi* [l]. *x* [s]. *viz.* for every perch *vi d.*

Tilney.

And they ſaid, that upon Monday next after the Feaſt of S[t]. *Hillary*, preceding, the ſame bank was ſo broken, by the raging of the Sea, in no leſs than five places, that the Town of **Tilney** was overflowed with the Sea water, and the Lands, Meadows, and Paſtures belonging thereto, continually drowned for the ſpace of ſeven days, by which means their winter-corn, then ſowed upon the ground, was deſtroyed, as alſo much of the corn and hay in their Barns; with *C.* Murrons, and *Lx. Ewes*, to the damage of *CCC* [l]. unto the ſaid Town.

And they ſaid, that before they could make good that bank, called the *Indike* (containing four furlongs and an half in length), for the ſafety of the ſaid Town, five Meſſuages, and *xl.* acres of ground, which were the Lands of *Thomas de Ingaldeſthorpe*

[m] Clauſ. 9. E. 3. m. 18.
[n] Ibid.
[o] Par. 1. E. 3. n. 22. in dorſo.
[p] Ibid.
[q] Par. 1. E. 3. n. 22.
[r] Ibid.

desthorpe, and others, with divers goods then therein being, were utterly loſt, to the damage of a *C* l. And they ſaid, that the Inhabitants of that Town expended in the repairing the ſaid four furlongs and an half of the ſame Indike, *xl* l. and that to make the ſame good, as it antiently had been, would require *Lx* l. more.

And they ſaid moreover, that within the compaſſe of *Lx.* years then paſt, one Pariſh Church, with the Parſonage, was by the breaking in of the Sea, ruined: and within *xxx* years, a Mannour houſe of *Robert de Scales*, and of his Tenants, and others, *xx* meſſuages, with an hundred Acres of Land, utterly loſt for ever.

And they farther ſaid, that the ſame town of **Tilney** had another Bank on the North ſide thereof, for its defence towards the Sea; *viz.* in length from **Tylington** one mile towards **Clinchwarton**; the repair whereof ſtood them in *xl* s. by the year. And that they had another Bank towards the Fen, called **Pokediche**, containing in length one mile, for defence thereof againſt the freſh waters; the repair whereof ſtood them in *xl* s. *per annum*. And that the whole yearly chardge which the ſaid town of **Tilney** did undergo, in the repair of the ſaid Banks, Gutters, great and ſmall, Bridges, Kays, and Schores; with ſeveral Sewers, for the preſervation thereof, came to *Cxl* l.

And they likewiſe ſaid, that this town of **Tilney** by that grievous tempeſt ſo hapning upon the *Monday* before-ſpecified, loſt one Gutter, called **Scales goule**, to their damage of *xxx* l. And that the charge in new making of *xij* new Gutters, great and ſmall, five Bridges to be new made, or repaired, and divers Sewers, would amount unto *xxx* l. which of neceſſity muſt be done the Summer following.

And they ſaid, that theſe dangers did every year much increaſe upon them, in regard that the *Fifteen* taxed upon them for the two preceding years, amounted to *Lx* l. and the raiſing, arming, and arraying of Hobelars and Mariners *xx* l. there being *DCCxlvij* acres of land, lying within them, which belonged to the Abbies of **S. Edmundſbury** and **Dereham**, and other Religious Houſes, which were aſſeſſed with the Spiritualities, and therefore contributed nothing therein. Marthland.

And they ſaid[f], that the town of **Walpole** had a certain Bank, on the North part thereof, for its defence towards the Sea; which Bank extended from the town of **Tirington**, to the Gutter of **Waltone**, called **Northegole**, containing in length three miles; whereof two miles would require *CC* l. *per annum* chardge, and the reſidue *xl* s. Walpole

[f] Ibid. n. 112.

And they alſo ſaid, that upon the before-ſpecified *Monday*, next after the Feaſt of *S. Hillarie*, the ſame Bank was ſo torn by the raging of the Sea, that the Inhabitants of the ſaid town beſtowed *xl* l in the repair thereof.

And they ſaid moreover, that in the eighth year of the ſame Kings reign, upon the Eve of *S. Andrew*, a certain Sea-bank, at **Riſſofte**, broke by the violence of the waves, whereby two hundred acres of land were utterly loſt for ever: And that within thirty years then laſt paſt, they likewiſe loſt for ever, one Pariſh Church, *xx* meſſuages, and *CCC.* acres of land. And likewiſe, that the Inhabitants of this Town were at the yearly chardge of *Lx* s. in repair of the Gutters great and ſmall, with divers Bridges belonging thereto. And that the ſaid Town had alſo another Bank towards the Fen, called **Pokediche**, for defence thereof from the freſh waters; which Bank contained one mile in length, and ſtood them in *xl* s. *per annum* repair.

And they ſaid, that the town of **Walſokne** had a certain Bank for it's defence towards the Sea, extending from **Warfangleſtowe** to **Emeneth menys**, and containing in length three miles; whereof the repair for one mile, amounted to *xxvi* l. *per annum*, *viz.* for every perch *vi* d. And that the ſame Bank, was ſo broken by the rage of the Sea, upon the before-ſpecified *Monday*, that the Inhabitants of the ſaid Town were at *xx* l. coſts in repair thereof: And that in the eighth year of the Reign of the ſaid King, upon the like occaſion, they ſpent *xxx* l. And that the yearly chardge in repair of the Gutters great and ſmall, and Bridges, for ſafeguard of the ſaid own, amounted to *C* s. Walſokne

And they likewiſe ſaid, that the ſame Town had a certain Bank called **Pokediche**,

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dicke, towards the Fen, for defence thereof from the freſh waters; which Bank, containing one mile in length, had *xl s. per annum* beſtowed thereon in repairs.

And they ſaid, that the before-ſpecified Inhabitants, in repairing of one Gutter at **Colevile's** Mill, in the twelfth year of King *Edward* the ſecond's reign; and another at **Coldhirne**, in the eighteenth year, for drayning the waters from their lands to the Sea, expended *xl l.*

And that the ſtream of the water, called **Wallenhee**, which had wont to run towards the Sea, under the Sea-bank of **Walſokne**, where it had made ſo great a depth and hollowneſſe, that the Lands in that Town had a ſufficient evacuation of their waters, to the Sea, thereby; being, at the ſute of the Inhabitants of the Counties of **Northampton**, **Cambridge**, **Huntendon**, and **Lincolne** made to the King, and judgement of his Court, diverted towards **Wigenhale**, by **Well dam**; the ſands were grown to that height in thoſe Chanels, wherein it had formerly paſſed, that the waters of the ſaid Town of **Walſokne** could not drayn, any longer, that way; by reaſon whereof no leſſe than *CCC.* Acres of ground ſowed with Winter Corn, were in the ſeventh year of the reign of the ſaid King (*Edward* 3.) overflowed and drowned, to the damage of fifty pounds; *viz.* every Acre *xl s.* And in the eighth, ninth, and tenth years, for want of the like Drayning, their loſſe was *xlv l. viz.* every year for each Acre *xij s.*

The new courſe of **Wellen Eee.**

West Walton.

And they ſaid, that the Town of **West Walton**, with the Hamlet of **Enemeth**, had a Bank for defence of the Sea; beginning at **Nobeche** gate, and extending it ſelf in length to a certain boundary, called **Warthangelloke**, two miles and an half; whereof one mile coſt them *xl l.* And that they had another Bank of defence againſt the Sea, extending it ſelf from a certain place, called **Warlicke**, to **Vorteshirne**, containing in length three miles; the repair whereof did coſt yearly, in the whole, *vi l.*

And they ſaid, that the ſame Bank in **West Walton**, was ſo broke in the Winter preceding (upon the ſaid *Monday* next after the Feaſt of S. *Hillarie*) that the Inhabitants of that Town and Hamlet, were at *Lx l.* charge for repair thereof, and for ſafeguard of the ſame; over and above the coſt which they yearly had uſed to be at therein: And that in the ſaid eighth year of the before-ſpecified King, on the ſame Eve of S. *Andrew* the Apoſtle, they loſt by the raging of the Sea, fourſcore Acres of land; by reaſon whereof, they were conſtrained to make a new Sea-bank, of four furlongs in length, which coſt fourſcore pounds, *viz.* every particle *x s.* And that in the firſt year of the ſaid King, they loſt ſeven meſſuages, and ſevenſcore Acres of land and an half, by the violence likewiſe of the Sea. And in the tenth year of K. *Edw.* the ſecond, they alſo loſt, by the like means, *xiij* meſſuages, and eightſcore Acres and an half of Land; and in the ſecond year of the ſame King *Edward* 2. *xij* meſſuages and ſixſcore Acres of Land.

And that they had a certain Bank called **Pokediche**, for defence againſt the freſh waters, containing in length one mile, which ſtood them in *xl s. per annum* chardge. And they ſaid, that the ſame Town and Hamlet did maintain three Gutters for drayning away of the freſh water; one towards the Sea, and two towards the Fen; which were new repaired in the ninth year of the then King, to the coſt and expence of *xl l.* and that the yearly chardge in repair of them, came to *xx s.* And that in Gutters, Pipes, Sewers, and Bridges, they ſpent yearly no leſſe than *Lx s.*

And they ſaid moreover, that the four Towns before-mentioned, with the Hamlet, had a certain Gutter, called **Knight's gole**, which then wanted repair; as alſo a certain Sewer to the ſame Gutter, extending it ſelf five miles in length, the chardge in repair whereof, amounted to *Lx l.*

Wigenhale.

And they ſaid, that **Wigenhale**, **Tirington**, and **South Lenne** were neighbouring Towns: and that **Wigenhale** had a certain Bank, containing in length ſeven miles; on one ſide the great River, called **Wigenhale hee.** And on the other ſide of that River, a Bank of three miles in length.

And that they had a certain Bank for defending of the freſh waters; as alſo Bridges, Pipes, and Sewers, Cauſies and floudgates which occaſioned them much expence every year.

And

And they ſaid, that on the morrow after the *Epiphany*, in the third year of the then King, a certain Bank on the Weſt part of the ſaid River, by means of the raging of the Sea, broke; ſo that the Tides entred and overflowed a thouſand Acres of Land, ſowed with Corn, to the great damage of the ſame Town. And that on the Weſt part of the ſaid River, by reaſon of the like tempeſts, hapning upon the Eve of S. *Hillarie* next before, the before-ſpecified Bank was broken and torn, ſo that the tides entred, bore down a Houſe, and overflowed CC. acres of land ſowed with Corn. And that, on the Eve of S. *Andrew*, in the eighth year of the ſame King, the ſaid Bank, was by the like miſhap broken again, for the length of three furlongs, in a certain place called **Burtys bithe**, inſomuch as the tides flowing in thereat, overwhelmed a thouſand Acres of Land ſowed with Corn: And that on the morrow after the Feaſt of S. *Hillarie* then laſt paſt, there was by the like means, a breach made on the Eaſt part of the ſame River, whereby eightſcore Acres of Land ſowed with Corn were overflowed.

Tirington. And they ſaid, that the men of **Tirington** had a certain Sea-bank, containing three miles in length; and another Bank for defence of the freſh waters; as alſo Gutters, Bridges, Sewers, and Cauſies, which occaſioned them great expences every year. And that the Gutter, called **Orchowe**, was broken on the Eve of S. *Hilarie* then laſt paſt; and likewiſe another Gutter, called **Newethowe**, by the violence alſo of the Sea; both which did then want repair. And that a certain Gutter, called **Giggesthowe**, was alſo ſo broken, that it ſtood in need of repair.

And they laſtly ſaid, that the Town of **South Lenne**, with the Hamlets, had a Sea-bank, and Sewers, with Bridges and Floud-gates, which were alſo very chargable to them.

The ſaid King therefore much compaſſionating the great loſſes which the Inhabitants before-mentioned did ſuſtain, by reaſon of thoſe lamentable breaches in their Banks and inundation of the Sea, as aforeſaid, conſtituted [t] *John Howard ſenior*, *Gilbert de Methil*, *Geffrey de Bruſerd*, *John de Swafham*, and *Adam de Walſokne* his Commiſſioners to view the ſame; and to make new Agiſtments for the ſame Sea-banks, for the ſafeguard of the Country, as often as need ſhould require. Marſhland.

t Par. 11. E. 3. p. 3. m. 2. in dorſo.

And the next year following, there being [u] a *Tenth* and *Fifteenth* to be Aſſeſſed and Collected, which had been granted to the King in his Parliament held at **Nottingham**, about two years before, upon the humble Petition of the Inhabitants of **Tilneye**, **Walpol**, **Walſokne**, and **Weſt Walton**, and the Hamlet of **Enemethe**; as alſo of the Towns of **Wigenhale** and **Tirington**, exhibited to the ſaid King; by which they repreſented their extraordinary loſſes by the before-ſpecified inundations; deſiring, that the Aſſeſſment might not extend to any other of their Goods and Catalls, than what they had remaining after thoſe their diſaſters; the King tenderly commiſerating their condition, required *Conſtantine de Mortimer* and *John de Hederſete*, who were then appointed Collectors thereof in this County, that they ſhould not aſſeſſe it in the Towns before-mentioned, otherwiſe than according to the direction which they had ſpecially received from himſelf, under his Seal to that purpoſe; whereby **Tilney** was taxed at x l. **Walpole** at xvi l. viij s. **Walſokne** at xij l. **Weſtwaltone**, with the hamlet, at xvi l. ij s. **Wigenhale** at xi j l. iiij s. & **Tirington** at xvi l. ix s. vi d. And thereupon he commanded [w] the Treaſurer and Barons of his Exchequer, that they ſhould, for the conſiderations aforeſaid, accept thereof; and upon payment of thoſe ſums, diſchardge them of the ſame.

u Clauſ. 12 E. 3. p. 1 m. 40.

w Ibid.

In 16 E. 3. *Will. Corbet*, *John de Houtone*, and *Edmund Noen* were conſtituted [x] Commiſſioners for the view and repair of the Banks, Ditches, and Sewers throughout all this Country of **Marſhland**. And in 20 E. 3. Sir *Robert de Cauſton*, and Sir *William de Dunton* Knights, *Edmund de Gunevyle* Parſon of the Church of **Tyringtone**, *John de Brymmeſley*, *Adam de Walſokne*, and *Thomas de Welverton* had the like Commiſſion [y] for thoſe Banks in **Tyringtone**; with direction to make new Agiſtments for the better ſafeguard of them, as often as need ſhould require. So alſo the ſame year, with the like direction and power for making new Agiſtments, had [z] *John de Hederſete*, *Robert de Hakebeche*, *Roger de Derſingham*, *Hugh de*

x Par. 16. E. 3. p. 2. m. 24. in dorſo.

y Par. 20. E. 3. p. 2. m. 18. in dorſo.

z Ibid. p. 3. m. 20. in dorſo.

Marsh-land.

Walton, and *Adam de Walsokne*, for all the Sea-banks throughout this whole Province.

In the same year, the Inhabitants of **Wigenhale, Walpole, Walsokne, Tylney, Tirington, West Walton,** and the Hamlet of **Enemethe**, complaining [a] to the King; that though the Assessors of the *Fifteenth*, granted to the King in Parliament, in the *xi*th year of his reign, of all their goods movable, for the term of three years, did tax them the said Inhabitants at lesse sums for the said *Fifteen* than they had used to be rated at before their losses by the Seas inundation (as hath been observed) And that though the same persons had often undergone the like, since that time; nevertheless the late Assessors of another *Fifteenth* then granted to the King, had exacted from them the antient sum, wherewith their said Towns were chardged before they suffered such losses; and that the Collectors of VVooll, did impose the like rates upon them; and not only so, but that the Shireeve had endeavoured by distresses to levy the arrears of that old *Fifteen*, whereof, by the said Kings special direction, they were to have abatement; he therefore appointed [b] *William de Thorpe*, *John de Walton*, and *Roger Petygard* to make enquiry thereof, and to certifie the truth in the premisses.

[a] Par. 21. E. 3. p. 2. m. 9. in dorso.

[b]

By virtue of which Commission, the said *William*, *John*, and *Roger* sate [c] at **Tylney**, upon *Monday* next after the Feast of the *Nativity* of the blessed Virgin, in the year abovesaid; before whom the Jurors presented; that in and after the *xi*th year of the then King, there were destroyed and drowned by the raging of the Sea, ten messuages and *C.* acres of Land in **Wigenhale**, belonging to divers persons; and that several other Lands were there dayly overflowed, and in danger likewise of being lost. And that the Lands and Tenements of the Inhabitants of the said Town, did lye on both sides that arm of the Sea, which ran through the midst of the said Town. And they said, that the men of that Town, by reason of the beforementioned arm, did yearly repair and maintain two *Banks*; the one containing six miles in length, and the other three, the chardge whereof amounted to *Cxx* l. *per annum*, and more; as by estimation they were given to understand. And they likewise said, that the before-specified Inhabitants, did yearly repair and maintain one *Bank* called **Pokediche**, containing two miles in length, for their defence against the fresh waters, the charge whereof came to *Cs. per annum*, and more.

[c] Esc. 21. E. 3. n. ...

Wigenhale.

Walpole.

And they said, that in that same *xi*th year and afterwards, there were by the said inundation, *Cxl.* Acres of Land in **Walpole**, drowned, and for ever lost. And that the Inhabitants of that Town, did yearly repair and maintain a Sea-bank, containing three miles in length, which extendeth it self Northwest, from the Town of **Tyrington**, unto a certain Floud-gate of **Waltone**, called **Noveche gote**; for the repair & maintenance whereof, the Inhabitants of the same Town did yearly expend *Cxij* l. And that they did repair and maintain a certain Ditch, called **Pokediche**, containing a mile in length, for their defence from the fresh waters; the charge whereof came to more than *x* l. *per annum*: besides other new works about those Banks, which yearly rose to *xl* l.

Walsokne

And they said, that in the same *xi*th year, and afterwards, two Gutters, which had been then lately made at **Walsokne**, for avoidance of the fresh waters of that Town, towards the Sea, were wholly filled up by the raising of silt, and utterly destroyed; by reason whereof *CC.* Acres of Land, belonging to several men there, were every year overflowed, in Winter time, to the damage of ten pounds to the Inhabitants. And they said, that the before-specified Inhabitants of that Town did repair and maintain, for every acre of land within the same, four foot of the Sea-bank, for defence of their lands against the Ocean. And likewise, for every acre of land in the same Town, one foot of the Bank of **Pokedike**, for keeping off the fresh waters; the charges of both which was more than *xxx* l. *per annum*. And that they did likewise yearly repair and maintain one Sewer, containing five miles in length; *viz.* from the Town of **Walsokne** to **Wigenhale**, which stood them in more than ten pounds *per annum*.

Tilney.

And they said, that in the same *xi*th year, and afterwards, seven messuages, and ten acres of land, belonging to divers men in the Town of **Tilney**, were by the

the like outragiousneſſe of the Sea, drowned and for ever loſt; and that divers lands of the Inhabitants there, were dayly overflowed. And they farther ſaid, that the ſaid Inhabitants of that Town, did yearly repair certain Sea-banks, towards the River, called **Wigenhale Ee**, *viz.* from **Catysbac-gole** to **King's gole**, which contain *xxiiij* furlongs in length; whereof *xviij* do extend from a certain place called the **Hope**, to **Edeyeneſgole**, and were often ſubverted by the Sea-tides, ſo that the men of that Town did thereby loſe a great part of their land yearly. And they ſaid, that the before-ſpecified Inhabitants were at the yearly charge of three pounds, for repair of ſix furlongs of the ſaid Ditch, and for every furlong, beſides, ten Marks.

And they ſaid moreover, that there was a certain Gutter, called **Scales gole**, but lately made, for ſafeguard of the lands of thoſe Inhabitants; which was then deſtroyed by the Sea-tides; by reaſon whereof, a great part of the ſaid Town was drowned and made yearly much worſe, to the annual damage of *xx* l. ſo that, for the better defence of their Lands, and Bank, they were conſtrained to make two Scores, the charge whereof came to *C.* Marks, which Scores were alſo, by the raging of the Sea, overthrown and ſpoiled, to the loſſe of that Town *C* l. And they likewiſe ſaid, that the before-ſpecified Inhabitants did every year expend *xx* l. in the repair of two Banks, *viz.* **Pokediche** and **Blakediche**, for defence of their lands againſt the freſh waters: and that they were at the yearly charge of *xx* l. more, for other common works; and likewiſe *x* l. for maintenance of their Gutters and Sewers.

Tiring-ton. And they ſaid, that in the ſame *xi*th year and afterwards, a thouſand Acres of land, belonging to the Town of **Tirington**, were yearly overflowed by inundation of the freſh waters, in regard that the Sluſe called **Scales gole**, being deſtroyed and ſpoiled by the Sea-tides, as aboveſaid, did occaſion the breach and ruine of another Sluſe, called **Drhowe**, by which the ſaid freſh waters paſſed to **Scales gole**; the damage whereof was *Lx* l. yearly to the ſaid Town. And they alſo ſaid, that *CC.* Acres of Marſh, belonging to the ſame Town, *viz.* in **Ruſhemerſhe** and **Newemerſhe**, were likewiſe overflowed by the ſaid tides, to the damage of the ſaid Inhabitants, more than ſix Marks yearly. And that the ſaid Town, for repairing of the Sea-bank, containing two miles and an half in length, and of the Bank of **Pokediche**, containing one mile in length, was at the yearly chardge of *xxxix* . and upwards. **Marſh-es.**

Weſt Walton. And they ſaid, that in the before-ſpecified year, and afterwards, ſixſcore acres of land belonging to the Inhabitants of **Weſt Walton**, were overflowed by the Sea-tides, to the yearly damage of *xl* . by reaſon that the Sea-banks were, with ſuch fearfull tempeſts, ſo broken as aforeſaid; and that the charge in repair of them came to more than *Lx* . *per annum*. And that they did yearly repair, for every acre of land lying in the ſaid Town, ſix foot and two inches of the ſaid Sea-banks: and likewiſe for every acre, one foot of the ſaid Bank called **Pokediche**, the charge whereof amounted unto *xl* . yearly, and more. And that they alſo ſpent *x* l. *per annum*, in repairing of Gutters and Sewers, for draining of their land. And they ſaid, that fiftie three meſſuages, and three hundred acres of land in that Town, were drowned and utterly loſt for ever, by the inundation of the Sea.

Enemeth. And they laſtly ſaid; that in the year aforeſaid, and afterwards, ten meſſuages, and an hundred acres of land, belonging to ſeveral perſons, within the Hamlet of **Enemeth**, were utterly deſtroyed and drowned by the ſame inundation of the Sea. And that the Inhabitants of that Hamlet were at the yearly charge of *xxx* l. and more, in repairing of the Bank called **Pokediche**, for the ſafeguard of their Land.

Upon the return of which Inquiſition, wherein thoſe their great loſſes, and conſtant yearly charges were ſo evidently ſet forth, the ſaid Inhabitants of **Wygenhale**, and the other Towns before-mentioned, did again Petition [d] the ſaid King; repreſenting their hard uſage [e] from the Aſſeſſors of certain *Fifteens* and *Tenths*, then lately granted to him, in Parliament, by the Commons of this Realm; *viz.* that whereas, in the eighth year of his reign, the Town of **Wigenhale** was taxed at *xxxvij* l.

[d] Clauſ. 22 E 3. p. 1. m. 5.

Marsh-land.

Walpole at xxxv. l. x. s. Tilney at xxx. l. West Walton at xxiii. l. Walsokne at xxvi. l. viii. s. Tirington at xl. l. ix. s. and Enemethe at xiii. l. for the *Fifteen* then granted: and, that notwithstanding so much of their Lands had been drowned and utterly consumed; as also, that by reason of the frequent inundations, since hapning, they had little hope of the recovery thereof; yet did not the said Assessors for the *Fifteens* and *Tenth*, granted in the eleventh year, and two more *Fifteens* and *Tenths* granted in the eighteenth and twentieth years of the said Kings reign, cease to tax them as heavily, as they had been levyed in the eighth year above-mentioned: Lest therefore, in regard of their disabilities to bear so great a burthen, they should be compelled to leave the Country; the said King, taking the premisses into mature consideration, and advising therein with his Council, directed his Precept [c] to the Treasurer and Barons of his Exchequer, requiring them to accept of two parts of the several summs so imposed, and to abate the third unto those particular Towns before-named.

The next year following, the King being advertised, [f] that the Bank called Pokedyke, which by the assent of the whole Commonalty in those parts, had of antient time been raised and made, for the defence and safeguard of the Town of Wygenhale, and the parts aboveſaid, against the suddain inundations and violence, aswell of the Sea, as of the sresh waters, usually annoying them; was at that time so torn and broken, that divers inestimable losses, for default of its repair, had hapned; and that more were like to be in process of time, unless some speedy remedy were had; assigned [g] *John Howard*, *Robert de Causton*, *John de Berney*, *Will. de Wychingham*, and *Roger de Dersingham*, to take a view thereof; and to enquire by the Oaths, aswell of Knights as others, by whose default the said breaches were so made; and who they were that did commonly drive their Cattel upon the same Bank: and by heavy distresses and amercements, to constrain all such persons, as well those who were guilty of the said breaches, as those who had any benefit by the same bank, together with others who were obliged to the repair thereof, in case there were any such, to take speedy course for the amendment of the same, according to the proportion of what each man held.

[f] [g] Pat. 23 E. 3. p. 1. m. 30. in dorso.

In 26 E. 3. Sir *Robert de Causton* Knight, *Raphe de Rocheford*, *Hugh de Walton*, and *Raphe de Rygeney* were constituted [h] Commissioners, for the view and repair of the Banks, Ditches, and Sewers in Walpole and Walton. Several other Commissions were, in the succeeding years, issued out to the like purpose; *viz.* in 27 E. 3. to [i] the same Sir *Robert*, *Raphe*, *Hugh* and *Hugh*, together with *Thomas de Baa* and *Will. Durant*, for all those upon the Sea-coast, in this Province. In 28 E. 3. to [k] *Will. de Dunton*, *Rob. de Hakebeche*, *John de Tylney*, *John de Wilton*, *Will. Durant* and *Hugh de Walton*, for the same Sea-banks. In 30 E. 3. to [l] *John Bardolf* of *Wirmegeye*, *Ric. de Wylughby*, *John de Berneye*, *Adam de Shirynghan*, and *Roger de Dersyngham*, for those in South Clenchewarton and Wigenhale. In 32 E. 3. to [m] Sir *Saier de Rocheford*, Sir *Rob. de Causton*, and Sir *John de Tilneye* Knights, and others, for those in the parts of Mershland, betwixt the waters of Wellestreme, Wysebeche, Welle, and Wygenhale. In 36 E. 3. to [n] *Rob. de Thorpe*, *Richard de Walkefare*, *Robert de Causton*, and others, for those betwixt South Clenchwarton, neer Lenne, and Wigenhale. So likewise, in the same year, to [o] the said *Rob. de Causton*, *Hugh Lovet*, *Gilbert Bernard*, and others, for those betwixt Tyrington and West Walton.

[h] Par. 26. E. 3. p. 3. m. 22. in dorso.

[i] Par. 27. E. 3. p. 1. m. 29. in dorso.

[k] Par. 28. E. 3. p. 1. m. 24. in dorso.

[l] Par. 30. E. 3. p. 1. m. 22. in dorso.

[m] Par. 32. E. 3. p. 1. m. 30. in dorso.

[n] Par. 36. E. 3. p. 1. m. 15. in dorso.

[o] Ibid.

About this time did the Inhabitants of Wigenhale, Ilsyngtone, Tilney, Clenchwarton, Watlyngtone, Roungtone, Holme, Secchithe, and West Winche (all in this Province of Mershland) exhibit a dolefull Petition [p] to the King; shewing, that whereas the said Country of Mershland had been much overflowed and surrounded by great and violent flouds of Salt water, to the extraordinary damage of the said King and the whole Realm: and whereas the River (going to Lenne) had used to run betwixt certain banks, distant a sunder twelve Perches, at which time all people had sufficient passage with their Boats to and fro, the fresh waters free course to the Sea; the Banks on one side of the

[p] Ex ver. membr. in Armario Cartarum de Lenne in Com. Norff.

the ſaid River, were at that time ſo low by reaſon of the before-ſpecified flouds, that the ſaid River was then a full mile in bredth. And moreover, that ſome of the Inhabitants of **Lenne**, had promoted a Bill in the Parliament then ſitting; wherein it was alleged, that the courſe of the ſaid River ought not to be made narrower, under pretence that if it ſhould, not only the Port of the ſaid Town of **Lenne** would be deſtroyed, but the Counties of **Cambridge, Huntendon, Northampton, Bedford, Buckingham, Leyceſter, Warwick, Derby,** and **Suffolk**, would ſuſtain much damage thereby: and that the ſaid Bill was maliciouſly made, and without reaſon, as it might be juſtly proved, in caſe the ſaid King would condeſcend, that the Juſtices put in Authority for the preſervation of the ſaid Country, would do their duty therein, and proceed according to the Law and Cuſtome of the Country; conſidering the ſudden miſchief and deſtruction, which might happen by one hours neglect; the whole Country being in danger of irrecoverable drowning: deſiring that the ſaid Juſtices might not be ſuperſeded, but that they might proceed to reduce the ſame River into it's antient bounds, and in ſuch ſort as it was before the boyſterous flouds had carryed away the before-ſpecified Banks, and the Country ſo ſurrounded.

In 37 *E.* 3. Sir *Saier de Rocheford*, Sir *Robert de Cauſton*, Sir *Hugh Lovet*, and Sir *Raphe Rocheford* Knights, *Thomas atte Lathe*, and others, were appointed [q] to view and repair the Banks, Ditches, and Sewers, betwixt the Rivers of **Welleſtrem, Wyſebeche, Welle,** and **Wigenhale**, in this Province of **Werſhland**: with direction to proceed therein according to the Law and Cuſtome of this Realm. The like Commiſſion [r] had *Rob. de Ufford* Earl of **Suffolk**, *Robert de Thorpe*, and *John Knyvet*, for thoſe Banks *&c.* betwixt **Lenne** and **Wygenhale**. So alſo in 51 *E.* 3. had [ſ] *Robert Howard, John Coleville, Raphe de Rocheford*, and others, for all the Banks *&c.* throughout this whole Province.

And in [t] 1 *R.* 2. *Roger Scales, Robert Howard, John Colevill, Raphe de Rocheford, Reginald Hakebeche, William de Petworth* Clerk, *Hugh de Gandeby* Clerk, *John de Rocheford, John Mareſchall, and William Newehous.*

q Par. 37. *E.* 3. p. 1. m. 46. in dorſo.

r Ib. m. 26. in dorſo.

ſ Par. 51. *E.* 3. p. 1. m. 41. in dorſo.

t Par. 1. *R.* 2. p. 1. m. 25. in dorſo.

It ſeems that there was nothing done upon that Petition exhibited to King *Edward* the third, by the Inhabitants of **Wygenhale**, and the other Towns therein mentioned, for reducing the River into its antient bounds: for I find, that in 2 *R.* 2. they preſented another [u] to the then King, importing the ſame in effect as the other did: adding, that the ſaid water, by reaſon of its extraordinary bredth, after the Banks on the one ſide thereof were worn away, had ſo great a power upon the Bank on the other ſide, that all the Towns in thoſe parts were frequently overflowed; and the chardge in maintaining of the ſaid Bank grown ſo great, that they were not able longer to ſupport it; ſo that their Country was in much danger to be totally deſtroyed, in caſe ſome fit remedie were not ſpeedily uſed. The ſaid King therefore by the advice and aſſent of his Prelates and Nobles, then aſſembled in Parliament, conſtituted [w] *William de Ufford* Earl of **Suffolk**, *Robert de Wilughby*, *William de Wychingham*, and *John de Hawe*, his Juſtices, to take view of thoſe Banks, and to enquire what remedy might be had therein, whether by reducing the ſaid ſtream into a narrower compaſſe, or otherwiſe; and if by making the courſe thereof narrower, then in what place to make new Banks for that purpoſe, and in what manner: and likewiſe to enquire through whoſe default thoſe loſſes had thus hapned; and who did hold any Lands, Tenements, Common of Paſture, or Fiſhing in thoſe parts, or that had ſafeguard and benefit, or loſſe, or might any ways have, either by the ſaid ſtream, aſwell thoſe that inhabited at a diſtance, as thoſe that lived neer unto it; and to diſtrain them for the repair thereof, according to the proportion of their Lands, to be new meaſured by Acres, if need were; or by Carucates, or quantity of Common of Paſture and Fiſhing.

u Par. 2 R. 2. p. 2. m. 10. in dorſo.

w Ibid.

By virtue of which Commiſſion the Shireeve was required to impanell [x] a Jury to enquire *&c.* Which he did accordingly, and attended the ſaid Juſtices at **Wigenhale**, on *Saturday* next after the Feaſt of the Apoſtles *Peter* and *Paul*; where being ſworn, they preſented [y] as followeth; *viz.* that the Banks on each

x Ex præf. cod. MS. penès *O. S. John* arm. f. 44. b.

y

Marſhland.

Marshland. side the before-specified River, running up from the main Sea into the Countrey, through the midst of the Towns of **Clenchwarton, Tilney, Islington, Wigenhall, Watlington,** and **Roungeton-Holme,** and farther, even to **Pokediche,** were, through the extraordinary raging of the Sea, so miserably broken and torn, that the greater part of the Lands and Tenements in **South Lenne, Hardwick, Westwinche, Secchithe** *magna*, and **Secchithe** *parva* was overflowed and destroyed: And that there was no other remedy for the safeguard of those Towns, and the parts adjacent, against the fore-mentioned dangers, but only the reducing of the said River within narrower bounds, and other means following.

And they said, that such a restraint thereof might well and conveniently be done for the safeguard before-mentioned, in a certain place, called **Larkes hirne,** in **South Lynne,** in this manner; *viz.* that whereas the same River did in that place then contain in it self *xl* perches in bredth (every perch being reckoned at *xvi* foot) it ought of necessity, to be restrained in that place, on both sides, for the safety of those Towns, *xxxiiij* perches, every perch being of the length aboveſaid; so that the bredth of the Chanel of the same River should be reduced to six perches. And thence, on the East side of the same River, that a new Bank should be made, directly, to a certain other River, called **Secchithe,** and so to the House of the Friers *Carmelites* of **South Lenne**: which River of **Secchithe** was then five perches wide (as they presented) but ought to be reduced to the bredth of one perch; accounting the said perch at *xvi* foot long, as aforesaid.

And they said, that if such restraint of that River before-mentioned, and a new Bank were not made, all the Banks on each side the said stream, betwixt the Town of **Lynne** and **Pokediche,** would be totally ruined; and consequently the said Country wholly destroyed: And that all such straightning of the said Rivers, ought to be made by the Land-holders in **Clenchwarton, Tylney, Islington,** and **Wigenhale**: and that for the same defence, to be performed in form aforesaid, they ought every one of them to give their assistance, according to what each man held: provided always that no Tenant or Commoner upon a certain place called **Tylney Smethe,** and on another place called **Marshland fenne,** should, by reason of any Commodity had, in either of those places, contribute any thing thereto.

Privilege to the Tenants of Tilney-Smethe, and Marshland fenn.

And they likewise said, that all the owners of land, from **Larkyshyrne,** to the common way, which leadeth from the Bridge at **Wigenhale** *S. Germans*, unto the Bridge at **Secchithe** *magna*; and from **Hardwick** house directly Southwards, to the said Bridge at **Secchithe,** in length; and from **Gernediche,** which joyneth upon **Hardwick dam,** Northwards, and **Gerys dam** Southwards; and from **West Wynchegreene,** which joyneth upon **Gerys dam,** Northwards, in a place where formerly had been a stone Bridge; and thence directly to the Mannour of **Coldham**; and from thence, and the Crofts of **Secchithe** *magna*, and beyond to **Secchithe** bridge; and thence Westwards; and in bredth to a certain way, which leadeth from **Sech gate** unto **Jones dole fence**; and thence to **Lynne dyke,** Northwards, unto the **How dyke,** and so directly to **Larkyshirne** aforesaid, in the said Town of **South Lynne, Hardwick, Wellwinche,** and **Secchithe** *magna*, ought to contribute to the making of that defence, every man according to the proportion of his Land.

And they farther said, that all persons which had Lands and Tenements in a certain place called **Clenchwarton-Marshland,** within the Town of **South Lynne** aforesaid, and all the Land-holders in **Secchithe** *magna*, **South Lynne, Secchithe** *parva*, and **Watlington**, in divers places, from **Secchithe gate,** Southwards, to the Crofts of **Secchithe** *parva*, and from **Secchithe Waine,** Westwards, to **East woe dyke,** at **Watlingtone,** and the **Old Ee** of **Wigenhale**; as also all the Land-holders in **Watlingtone,** in a certain place called the **Cozen,** which extendeth it self from the **Woedike,** Westwards, to the River of **Wigenhale,** and from **Poedyke,** Southwards, to **Gerys dam**, and thence, Southwards, in the **Newlande** to **Deylove Dyke**; and from **Wigenhale-bedding**, to the River of **Wigenhale,** West-

Weſtwards; and likewiſe all the Landholders in the Towns of **Roungeton holme**, in a certain place called **Holme Bight**, which reacheth from **Deyſlode Hove** to **Greene yates**, Southwards; ought to contribute to the ſtraightning of the ſaid Rivers and Banks, to be made in the before-ſpecified places, as aforeſaid; becauſe they lay within the defence and ſafeguard, and had or might have benefit or loſſe by the ſaid Rivers and Banks: And that all their Tenants likewiſe ought to make, repair, and maintain the ſaid new Banks, for the reſtraining of thoſe Rivers within the before-mentioned limits, when and as often as need ſhould require.

And they ſaid, that this reſtriction of the ſaid Rivers, by the making of thoſe new Banks in the places before-ſpecified, would be a ſecure, laſting and perpetual defence to all the Banks, and all the lands, lying within the Towns and places aforeſaid. It was therefore ordained by the ſaid Juſtices, that the ſaid work ſhould be done accordingly.

In 11 *R.* 2. Sir *Edmund de Thorpe*, and Sir *Philip de Tilney* Knights, together with *John Marſhall*, were appointed [z] to view and repair the Banks *&c.* betwixt **Catteſbak**, and the **Fen ende**, within the Town of **Tilney**. The like Commiſſion [a] in 7 *H.* 4. had Sir *Thomas de Skelton*, Sir *John de Rocheford*, Sir *Pain Tiptoft*, and Sir *Raphe de Shelton* Knights, *Richard Norton*, *Will. Ludington*, and *William Speteſham*; for all thoſe Banks, Ditches, and Sewers, aſwell upon the Sea-coaſt as otherwiſe, belonging to the Towns of **Tirpngtone**, **Walpole**, **Walton**, **Walſokne**, **Enemethe**, **Welle**, **Wigenhale**, **Tylneye**, and **Clenchwarton**, antiently ordained for the ſafeguard of thoſe Towns: and to proceed therein according to the Law and Cuſtome of this Realm. So alſo in 10 *H.* 4. had [b] the ſame Sir *Thomas de Skelton*, with Sir *Edmund de Thorpe*, Sir *John Colvyle*, Sir *Raphe Shelton*, and Sir *John Rocheford* Knights, *Richard Norton*, *William Rees*, *William Ludyngton*, *Laurente Truſebut*, and *Richard Gegge*, for all thoſe Sea-banks lying within the Town of **Tyringtone**, for the ſafeguard thereof; and to proceed therein, as aboveſaid.

In the ſame year, the Abbot of **Ramſey** was impleaded [c] for damages, which were ſuſtained by his neglect in repairing his proportion of **Pokedike**, for his lands in **Walſokne**. **Marſh-land.**

And in 8 *H* 5. *John Cokain*, Sir *Thomas de Skelton*, Sir *John Colvill*, Sir *John de Rocheford*, and Sir *Henry de Rocheford* Knights, *Robert Tirwhit*, *Richard Norton*, *William Ludyngtone*, *John Benard*, *Thomas Derham*, *Nich. Morys*, *William Fulburne*, and *Robert Bird*, were aſſigned [d] to view the Banks, Ditches, and Sewers, in **Tyrington**, **Walpole**, **Waltone**, **Walſokne**, **Enemethe**, **Welle**, **Wygenale**, **Tilneye**, and **Clenchwarton**, then broken and in decay; and to take order for their repair; with direction to do all things therein according to the Law and Cuſtome of this Realm.

What they did therein, I have not ſeen; but ſoon after, *viz.* in 1 *H.* 6. the King receiving information [e], that the Banks, Sewers *&c.* lying betwixt the waters of **Welle**, and the ſtream which runneth from thence to **Salters lode**, and **Wigenhale**, in this Province of **Marſhland**, were ſo torn and conſumed, partly with the violence of the tides, and partly by the great flouds of freſh waters paſſing that way, as that very much damage had hapned to the whole Country thereabouts; conſtituted [f] *Thomas* Duke of **Exeter**, Sir *Thomas Erpingham*, and Sir *Henry Rocheforth* Knights, *William Paſton*, *John Schuldham*, *Simeon Fyncham*, *John Mannyng*, and *Thomas Dereham*, Commiſſioners to view the ſame; and to make ſuch Agiſtments, both for raiſing of new Banks, where need ſhould be, and repairing the breaches and decays before-mentioned, in ſuch ſort as they ſhould deem moſt expedient for the ſafeguard and benefit of the Country. Which Commiſſion bears date at **Stwyneſhed** the *xij* day of *April*, in the year aboveſaid.

By virtue whereof, the Shireeve of **Norfolke** had command to impanell Jurors, and to bring them to **Downham hithe**, upon *Thurſday* next before the Feaſt of *Pentecoſt*, then next enſuing: Who then and there attending the before-ſpecified Commiſſioners, upon their Oaths preſented; that the Bank called **Pokedike**, antiently made for ſafeguard of the Towns in this Province of **Marſhland**, and all the Lands and Tenements within the ſame, was then ſo broken and ruinous, that a great proportion of ground was thereby overflowed with the freſh

[z] Pat. 11 R. 2. p. 1. m. 33. in dorſo.

[a] Pat. 7. H. 4. p. 2. m. 25. in dorſo.

[b] Pat. 10. H. 4. p. 1. m. 13. in dorſo.

[c] Plac. coram Rege term. *Paſch.* 10 H. 4. Rot. 9. *Norff.* Et Rot. 62.

[d] Pat. 3. H. 5. p. 1. m. 31. in dorſo.

[e] Ex cod. MS. penes Gul. Goddard, Arm.

Marshland. fresh waters, to the extraordinary damage of all such persons as were Land-holders, or that did enjoy Common of Pasture or Fishing there. And they said, that the before-specified Bank, could not be made firm and sufficient by any repair thereof, the weakness of the ground, whereon it stood, considered: and therefore they ordained and decreed; that for the better preservation of all the Towns in **Marshland** aforesaid; and of all the Lands within the compasse thereof; that there should be another Wall or Bank made new, on the North side of **Salterys lode** brink, by all the Land-holders throughout **Marshland**; and all the Inhabitants and Residents within the Towns thereof, and of the Town of **Wigenhale.**

The making of the new Pour-dike.

And that the said Bank so to be made new, should be made and raised upon the North side of the great River, which passeth from **Welle** to **Salterys lode**, and **Wigenhale**; *viz.* from the shore of that River by the space of *xxiiij* foot: as also to begin in that place called **Salterys lode**, and to extend it self from thence, to the Priory of **Mullycourt**, Westwards; And that the height thereof from **Salterys lode** to **North delfe**, shall be five foot from the levell earth, and the thickness at the bottom *xviij* foot; and from **Northdik** to the said Priory, six foot in height from the ground, with *xviij* foot in bredth at the bottom, and *xij* at the top, of good measure, so that it might sufficiently keep out the water of the Fen. And that all the menure for the making of the said Bank, should be taken on the South side thereof neer the water, but not within the space of *xij* foot of the skirt of the same Bank, excepting in time of necessity, when no earth might be had any where else, by reason of the inundation of the fresh waters: by which means, not only the River it self might be inlarged in bredth twelve foot more, where need should require, for the better carrying away of the fresh waters; but the Kidells being in the same stream might be sufficiently widened.

And the said Jurors did also decree and ordain, that it might be lawfull for every man, in making his proportion of the said Bank, to dig earth on the North side of the same, in Winter time, when by reason of the flouds of fresh water coming down, it could not be taken on the South side; so that such digging on the said North side were *xl* foot distant from the same, upon penalty of being amerc'd.

And they likewise decreed; that every Land-holder having Lands within any of the said Towns of **Marshland**, and Town of **Wigenhale**; as also within the precinct aforesaid, should have his portion of the same Bank assigned to him, according to the quantity of his Land, according to a new Agistment to be thereof made. And that all the Land-holders in **Stow Bardolf**, betwixt the **Hoyd hedding** and **Tilney** Bank; and within the Bank of **Stow lode hinke**, and the **Ferry pit** of **Wigenhale**, should be agisted upon the said Bank, each man according to what he held.

And they did moreover ordain; that all persons, aswell Horsemen as Footmen, which should happen to come to the repair and maintenance of the said Bank, at any time of the year, upon necessity; should have free and safe coming to and fro, with their Carts and other things, not only in order to the said repair, but for the supervising thereof: and to stay there with their said Horses, and return the neerest way for them, without the danger of any amerciament, distresse, or other punishment for so doing: saving alwayes to the Lords of the Fees, *Waifs*, *Estreys*, and punishment for bloud-spilling, and amerciaments for *Hue* and *Crye* there levyed.

And they likewise ordained, that every person, having lands within the precinct of the said Bank, so to be new made; and that might have safeguard and benefit by the making and repair thereof, or losse by its not making, should be obliged to the making and repair of the same, according to his proportion, betwixt the said Priory and **Salterys lode**, according to the Law and Custome of the whole Country of **Marshland**. And, that every of the said Towns of **Marshland**, and Town of **Wigenhale**, being within the before-specified precincts, should be obliged, according to his proportion, to the making and repair of the said Bank, upon penalty of *xx* l. to be paid to the King, as often as any defect could be found in his not performance thereof.

And

And they alſo ordained, that every Guardian of the ſame Bank, ſhould have power by the ſaid Law, to take diſtreſſes, for the performance of the premiſſes, when need might require, without the contradiction of any man whatſoever. And, that every ſuch Guardian, doing his Office, in reſpect of his tenure, within the precinct aforeſaid; or that ought to do it; ſhould perform it duly and diligently, for the better making of the ſaid Bank, ſo that no defect might be found therein, under the ſame penalty, aswas antiently eſtabliſhed by the Law and Cuſtome of **Marſhland**, for the making and repair of the before-ſpecified old Bank, called the **Poke diche**. And, that if any perſon agiſted for the making and repair thereof, according to the proportion of his tenure, ſhould be found refractory, and diſobedient to the ſaid Guardian, for the time being, in what he ſhould direct; that then he to be diſtrained, puniſhed, and compelled by the ſaid Guardians, for the well and ſufficient performance of the ſame, according to the Law and Cuſtome of **Marſhland**.

And they moreover ordained; that neither the Lord, nor any Commoner ſhould depaſture his Cattel upon the ſaid Bank, ſo to be new made, excepting ſheep: nor that they ſhould drive any Cattel upon the ſame, for the future avoiding of thoſe ineſtimable loſſes which had hapned in times paſt, by ſo doing; upon forfeiture of a peny for every beaſt ſo driven, or there depaſturing, by the appointment, knowledge, or neglect of thoſe that ought to look to them; to be paid to the Guardian of the ſaid Bank, as often as any ſuch delinquency ſhould happen. And that the Cattel found depaſturing, or driven, aforeſaid, upon the ſaid Bank (ſheep as aforeſaid excepted) to be taken and impounded, and in the pound detained, untill the owner of them ſhould pay the before-ſpecified penalty: which forfeiture to be imployed for the repair of that part thereof, as ſhould be ſo hurt by ſuch Cattel.

Alſo they did ordain, that *John Bekeſwell*, and his heirs and aſſignes, Tenants of the meſſuage of **North delfe**, ſhould ſufficiently repair and maintain that Bank oppoſite to his meſſuage on the South part, both in thickneſſe and height, as often as need ſhould require, for ever, at his and their own proper coſts and chardges, ſo that through default thereof; no damage might come to any one within the precinct of the ſame, under the penalty antiently eſtabliſhed for reparation of the Banks, Gutters, and Sewers in theſe parts of **Marſhland**, according to the Laws and Cuſtomes thereof. **Marſhland.**

And that the Prior of **Mullycourt** and his ſucceſſors, under the ſame penalty, ſhould make new, as alſo repair and maintain well and ſufficiently, aſwell in thickneſſe as height, one Bank throughout his Priory, oppoſite thereto, upon the South ſide.

And they likewiſe then ordained, that the Inhabitants of the whole Town of **Outwell**, their heirs and aſſigns, ſhould new make, repair and maintain one Bank well and ſufficiently for ever, both in thickneſſe and height, towards the before-ſpecified great River, and on the North ſide thereof, from the ſaid Priory of **Mullicourt**, throughout all the Town of **Outwell** aforeſaid, unto the Manſion houſe of *Thomas Beaupre*, where need ſhould require, upon the penalty abovementioned. And that the ſaid Inhabitants of **Outwell**, their heirs and aſſigns, ſhould, in default of ſuch new making or repair of the ſame, forfeit *C*s. to be paid to the King, as often as there ſhould be cauſe by that their neglect.

And they ſaid moreover; that there was a certain field, called **Plawfielde**, lying in the Town of **Upwell**; and certain other fields, called **Rykfield** and **Budbeche**, in the Town of **Upwell** and **Outwell**; as alſo another field, called **Sandyfield**, in the Town of **Outwell** aforeſaid, which were every year overflowed by the freſh waters, to the great damage and impoveriſhing of all perſons having lands in the ſame, as of all other, having lands within the ſaid Bank, called **Pokediche**, then to be new made: and therefore they did ordain, aſwell for the better ſafeguard of all the lands, lying within thoſe fields, as of all others lying within the Precinct of the ſaid Bank, called **Pokediche**, to be then newly made; that there ſhould be made one new Pipe, under the Bank, called **Kirkfield diche**; and under the great River there, and the ſaid new Bank, on the VVeſt ſide of the ſaid Priory of **Mullycourt**.

Marſh-land.

And likewiſe one new Sewer, from the ſaid new Pipe, through **Mullycourt** drove to **Rightfoyth lode**; thence into **North hooke**, and thence into the great River, which runneth from **Salteryslode** to **Biſhop's Lynne**: And that all perſons, having Lands and Tenements in the ſaid fields, called **Plawfield** and **Kirkefield**, ſhould always repair, cleanſe, and ſcour the ſaid Pipe and Sewer, ſo to be new made, unto **Rightfoyth lode**, at their own proper coſts and charges, when and as often as need ſhould require. And that all perſons and their heirs having lands in the ſaid fields, called **Budbeche** and **Sandy field**, ſhould have one Sewer there, for avoiding the freſh waters thence, into **Blewe diche**; and from **Blewe diche** unto **Rightfoyth lode**. And that the ſame perſons, ſo having lands in thoſe fields, called **Budbeche** and **Sandyfield**, ſhould repair and cleanſe the ſaid Sewer unto **Blewediche**, for the future, at their own coſts and chardges, whenſoever need ſhould require.

And that the ſame perſons, their heirs and aſſigns, having lands in the ſaid fields called **Budbeche** and **Sandy field**; as alſo all the ſaid Inhabitants of thoſe Towns of **Upwell** and **Outwell**, having common of Paſture within the precinct of the ſame Bank, called **Pokediche**, to be ſo new made, as aforeſaid; ſhould repair and maintain the ſaid Sewer from **Blewe diche** to **Rightfoyth lode**, for the future, at their own proper coſts and charges, as often as need ſhould require. And that all perſons having Lands in the ſaid fields, called **Plawfield**, **Kirkfield**, **Budbeche**, and **Sandyfield**; as alſo all the Inhabitants of **Upwell** and **Outwell**, having Common of Paſture and Fiſhing within the Precinct of the ſaid Bank called **Pokediche**, ſo to be new made, as aforeſaid, ſhould repair the ſaid Sewer, called **Rightfoyth lode**, unto **North hooke**, at their own proper coſts and chardges, for the time to come, whenſoever need ſhould require.

And they likewiſe ordained, that the Abbot of **Weſt Dereham**, and his ſucceſſors, ſhould new make, repair, and maintain, well & ſufficiently, for the time to come, one Cauſey of ſix foot in bredth, Eaſtwards, throughout all that part of his land, lying betwixt the old **Pokediche** on the North part; and a certain piece of land belonging to the Abbot of **Ramſey**, and another pertaining to *Thomas* Duke of **Exeter**, on the South part; and abutting on the before-ſpecified great River towards the Eaſt. And that the ſaid Abbot and his ſucceſſors ſhould be juſtified and ordered, for the not making and repair of the ſame Cauſey, according to the Law and Cuſtome antiently uſed in the Town of **Wigenhale**. And that the ſaid Abbot of **Ramſey**, and his ſucceſſors, ſhould alſo new make, repair and maintain one other Cauſey, of ſix foot likewiſe in bredth, through another piece of his land, lying on the Eaſt part, towards the ſaid great River.

And they farther ordained, that every perſon, having lands, Common of Paſture or Fiſhing, within the land of the ſaid Abbot and **Common lode**, ſhould likewiſe new make, repair, and maintain one Cauſey, well and ſufficiently, *viz.* each man againſt his own land, towards the ſaid great River: And for the performance thereof, that they ſhould be compelled by the Steward of *Thomas* Duke of **Exeter**, for his Mannour of **Stow Bardolf**, his heirs and aſſigns, in the Court of **Stow-Bardolf**. And that all the Tenants and Inhabitants in the Towns of **Downham hithe**, **Wimbotesham**, and **Stow Bardolf**, ſhould new make, as alſo repair and maintain, well and ſufficiently, for the time to come, a certain Cauſey, beginning in a place called **Common lode**, and extending it ſelf from thence to **Salteryslode**.

All which Ordinances and Agiſtments, ſo made in form aforeſaid, the Towns in **Marſhland** before-mentioned; as alſo **Welle**, **Wigenhale**, **Dounham hithe**, **Winbotesham**, and **Stow Bardolf**, did for the time to come, agree for themſelves, their heirs and aſſigns, to obſerve and hold firmly. It was therefore decreed by the before-ſpecified Juſtices, that the Inhabitants of the ſaid Towns, which had Lands, Common of Paſture, or Fiſhing, within thoſe fields, and ſafeguard of the ſaid Bank called **Pokediche**, to be new made in ſuch ſort as aforeſaid; ſhould, for the future, be obliged to repair and maintain the ſame, according to the form and effect of the Inquiſition, Ordinances and Agiſtments before declared; and to be diſtrained for the time to come, for the performance there-

thereof, as often and when need ſhould require.

In witneſſe whereof, the ſaid *Henry Rocheforth* and *Thomas Dereham* did affix their Seals thereunto.

VVhich Inquiſition and Ordinances were exemplified by the ſaid King *Henry* the ſixth, under his great Seal, upon the *xij*th day of *May*, in the third year of his reign.

And, in reſpect that the ground, from **Salterys lode** to **Noxth delfe** before-ſpecified, whereon the ſaid Bank was to be raiſed, was then the proper ſoyl of the ſaid *Thomas* Duke of **Exeter**, as part of his Mannour of **Stow Bardolf**, the ſaid Duke, in confirmation thereof, did, by his Deed * (wherein he likewiſe ſtiled himſelf *Comes* Dorceſtriæ & Harcuriæ, & *Admirallus* Angliæ) bearing date the *Monday* next after the Feaſt of *S. Peter ad vincula*, in the ſaid firſt year of the reign of the ſame King *King Henry* the ſixth, grant and confirm, for himſelf and his heirs, to *John* Biſhop of **Ely**, Sir *John Colvile*, and Sir *Henry Rocheford* Knights, *Richard Peverell*, *Thomas Karvile*, *Thomas Dru*, *Robert Karvile*, and *Edmund Maſſingham* Eſquires, and all the Inhabitants of **Wigenhale**, **Tylney**, **Iſlington**, **Clenchwardon**, **Terington**, **Walton**, **Enmethe**, **Walpole**, and **Walſoken**, in the parts of **Merſhland**, their heirs and aſſigns, the ſaid Bank called **Pokediche**, ſo to be new made and raiſed for ſafeguard againſt the ſaid freſh waters, on the North part of the River, which runneth from **Welle** to **Salterys lode** and **Wigenhale**; beginning at **Salterys lode** aforeſaid, within his the ſaid Duke's Lordſhip, which extendeth it ſelf in length from thence unto **Noxthdelfe** before-mentioned; *viz.* ground containing *xxiiij* foot on the South ſide of the ſame Bank, for the making, repairing, and maintaining thereof: as alſo ſufficient ground on the North ſide thereof, *xl* foot diſtant from the ſame, for the repair likewiſe and maintenance thereof: provided that they ſhould not dig any earth on the ſaid North ſide thereof, for the purpoſes aboveſaid, as long as the ſaid Bank could be fitly repaired with the earth on the South ſide.

And he did moreover grant and confirm to the ſaid *John* Biſhop of **Ely**, and the reſt of the perſons above-ſpecified, their heirs and aſſigns, that they nor any of them ſhould be moleſted in their paſſage to and fro, in the making and repair of the ſaid Bank, whereſoever there might be cauſe for the ſame: Saving nevertheleſſe to him the ſaid Duke and his heirs, *Wayſe*, *Stray*, and other amerciaments for *Hue* and *Cry*, as alſo for blood ſhed, within his ſaid Lordſhip, at all times of the year. Marſhland.

After this; *viz.* in the ſame third year of the ſaid King *Henry* the ſixth, *William Babyngton*, Sir *John Colvyll*, and Sir *Henry Rocheforth* Knights, *Will. Paſton*, [*Tho. Derham* and *John Mannyng*, were [g] conſtituted Commiſſioners to view the Banks, Sewers, Ditches, Bridges, and Cauſeys, betwixt **Walpole** and **Tilney**; and to determine all things therein, according to the Law and Cuſtome of this Realm: as alſo to take ſo many Diggers and Labourers, upon competent wages, as they ſhould think neceſſary for that ſervice; in regard of the great expedition, which through the decay of thoſe works, was then required.

[g] Pat. 3. H. 6. m. 16. in dorſo.

Several other Commiſſions were afterwards iſſued out, in this Kings reign, to the like purpoſe; *ſcil.* in 8 *H.* 6. to [h] Sir *Henry Rochefort*, and Sir *Robert Clyſtone* Knights, *William Paſtone*, *William Goodrede*, *Thomas Derham*, *Simon Fyncham* and *Thomas Shuldham*, for all thoſe Banks, Sewers *&c.* in the Towns of **Upp welle**, **Outwelle** and **Enemethe**, betwixt the River, which goth from **Wellynhe**, to the Priory of **Wullycourt**: and the River which paſſeth from **Enemethe** unto the ſaid Priory; and to proceed therein as aboveſaid.

[h] Pat. 8. H. 6. m. 20. in dorſo.

In 22 *H.* 6. to [i] Sir *Thomas Scales* Kt. *William Yelverton*, *Hugh* Prior of **Wirmegay**, *Thomas Truſbut*, *John Fyncham*, *Thomas Salesbury*, *William Willy* and *Raphe Geytone*, for thoſe throughout the whole Province of **Marſhland**, and the parts adjacent, from **Marham** to **Wigenhale**: and to do all things therein according to the Laws and Cuſtomes of **Romeney** Marſh. The like Commiſſion [k] had the ſaid Sir *Thomas Scales*, *William Yelvertone*, *Thomas Truſbut*, *William Eweyn* and *Thomas Salisbury* in 30 *H.* 6.

[i] Par. 22. H. 6. p. 1. m. 17. in dorſo.

[k] Par. 30. H. 6. p. 1. m. 22. in dorſo.

So alſo had [l] *John* Earl of **Oxford**, *John* Viſcount *Beaumont*, *John Heydone*, *John Fyncham* and *John Bekyſwell*, for all thoſe betwixt the waters of **Wille**, and the

[l] Ibid. m. 14. in dorſo.

* Ex præſ. cod. Md. per Dn. G. Goddard Arm.

Marshland.

water which leaderh from **Welle** to **Salterys lode**, and **Wygenhale**.

Ex cod. MS. penè, *Guil. Goddard* Arm.

In 21 *H.* 7, the said Bank, called the new **Pokedike** was totally measured [g], and then found to contain in length, from the house of *John Pye* at **Salters lode**, unto the house of *John Bekeswell* at **Northdelf**, *xviii* furlongs and *xxvij* perches; the repair thereof belonging as followeth; *viz.*

To the Tenants of the Lord *Bardolf*, *xxij* perches.

To the Town of **Wigenhale**, three furlongs, *xviij* foot and four inches.

To the Towns of **Tilney**, **Islington**, and **Clenchwardon**, three furlongs, *xviij* foot and four inches.

To **Tirington** three furlongs, *xviij* foot and four inches.

To **Walpole** three furlongs, *xviij* foot and four inches.

To **Walton** and **Emneth** three furlongs, *xviij* foot and four inches.

To **Walsoken** three furlongs, *xviij* foot and four inches.

To *John Bekyswell*, opposite to his house at **Northdelf**, *xv* perches.

And from **Northdelf** to **Mullycourt**, it contained in length *xiiij* furlongs, and seven perches; whereof the repair belonged as followeth; *viz.*

To **Walsoken** two furlongs, *xv* perches, five foot and four inches.

To **Walton** and **Emneth** two furlongs, *xv* perches, five foot and four inches.

To **Terington** two furlongs, *xv* perches, five foot and four inches.

To **Tilney**, with **Islington** and **Clenchwarton** two furlongs, *xv* foot and four inches.

To **Wigenhale** two furlongs, *xv* perches, five foot and four inches.

Memorandum, that upon the seventh day of *July*, 21 *H.* 7. every Acre of ground in **Marshland** was assessed at four inches, for the maintenance of the said Bank.

But notwithstanding this care taken for repair thereof, such was the wickednesse of some people, that they divers times made breaches in sundry parts of it; insomuch as complaint being made in Parliament, A° 22 *H.* 8. this ensuing Act [h] was thereupon made.

h Rot. Parl. 22 H. 8. c. p. 9.

WHereas before this time, divers evill disposed persones, of their perverse and evill dispositions, maliciously, at divers and sundry times, have cut, cast down, and broken up, divers parts of the Dike, called **new Powdich**, *in* **Marshland**, *in the County of* **Norff.** *and the* **Broken dyke**, *otherwise called* **Oldfield dyke**, *by* **Marshland**, *in the Isle of* **Ely**, *in the County of* **Cambridge**: *By reason whereof, aswell by the great aboundance of the Salt water, as also by the course of the Fresh water, entring and coming into, and by the said part of the said Ditches, so broken and cast down, the grounds and Pastures within the Countie of* **Marshland**, *in the County aforesaid, have bene divers and many times drowned and surrounded with the water aforesaid, so that no profit thereof might be taken by the owners and occupyers of the said ground: And the Inhabitants within the said* **Marshland**, *and the Levell of the same, many and sundry times have been, not only put to importunate chardges and expenses, to their extreme damage and costs, but also to their grete undoings, having lost much of their Cattel and Beasts, then being and depasturing upon and within* **Marshland** *aforesaid, to their grete damage and losse, and to the grete decay of the Common welthe of the Country adjoyning to the same. And also by reason of the same waters, much people have bene drowned in their beds, within their houses, and have lost the most port of their goods being within the same.*

For reformation whereof, it is ordayned, enacted, and established, by the King our Sovereign Lord, by the assent of the Lords Spiritual and Temporal, and the Commons in the present Parliament assembled, and by the authority of the same; that every such perverse and malicious cutting down, and breaking up of any part or parts of the said Dikes, or of any other Banks being parcell of the Rinde or uttermost part of the said Country of **Mershland**, *at every time and times hereafter, from henceforth, by any person or personnes committed and done, otherwise than in working upon the said Banks and Dikes, for the repairing, fortifying and amending of the same, to be taken, reputed and adjudged Felony: and that the offenders and doers of the same, and every of them, be adjudged and reputed Felons. And that the Justices of Peace of the said Counties of* **Norfolk** *and* **Cambridge**, *in the said Isle, at every of their Sessions, within the said Isle and Counties*

Felony to cut Bodike,

ties to be kept; by the authority aforeſaid, have full power to cauſe enquiry to be made after every ſuch offence, ſo at any time in form aforeſaid hereafter to be committed and done; and to award the like proceſſe againſt every of the ſaid offenders, with like judgement and execution of the ſame, if they or any of them, be thereof found guilty by verdict or otherwiſe, as the ſaid Juſtices have uſed and accuſtomed to do upon other Felonies, being Felony at the common Law.

Which Statute was in 5 *Edw.* 6. by an Act [i] of Parliament, then largely made, for the repeal of divers Treaſons and Felonies, cleerly repealed and made void. But in 2 & 3 *Ph.* & *M.* it was again revived. [k]

[i] Rot. Parl. 5 E. 6. n.

[k] Rot. Parl. 2 & 3 *Ph.* & *M.* cap. 19.

In which year there were theſe enſuing Ordinances [l] made, upon the eighth day of *April*, by the chief Inhabitants of this whole Country of **Marſhland**, and Town of **Wigenhale**, touching the **Old Powdike** and **Broken dike**.

[l] Ex præf. cod. MS. penès O. S. *John* cap. Juſtic. de Banco an. 1657.

1 That the ſaid old **Pow diche** be ſufficiently made, from the place called **Weſt head** unto **Welle** Town, ſo far as it hath been of late accuſtomed; *viz*, in height ſix foot, above **Bardolf Fenne**, and in bredth at the foundation *xxx* foot; and in bredth on the higheſt part thereof, *xv* foot.

2. That no man take or dyke any menure, within *viij* foot of the South part of the ſame **Pow diche**: And on the North part of the ſame, no menure to be taken, within *C.* foot from the foot of the ſame **Pow diche**.

3. That the ſame **Powdiche** be made by every particular Townſhip, whole and Common, by Acre ſilver, and not otherwiſe: and the ſame to be done by every Townſhip, by *Whitſunday* then next coming, or *Midſomer* at the fartheſt, in pain of every Townſhip *xl* l. to be levyed to the uſe of the ſaid King and Queens Majeſty. And that every particular Town do ſufficiently Clay their particular charge, on the fore-part thereof, in thickneſſe with Clay one foot and an half, and on the top thereof one foot.

4. And for the better preſervation of the ſame **Powdiche**, they did in like manner ordain, that there ſhould be re-edified upon the ſaid **Powdiche**, three Houſes; that is to ſay, one at **North hooke** gate, another between **Walpole** and **Tiring-ton** gate, upon the Bank and **Powdiche**; and the third at **Welle** gate; the charges to be levyed upon the whole Townſhips of **Marſhland**, and Town of **Wigenhall**, by Acre ſilver. **Marſh-land.**

5. That if any man were then indited, or thereafter ſhould be indited, vexed, or moleſted for any cauſe, touching the defence, maintenance, or preſervation of the ſame Country, and Town of **Wigenhale**; then they and every of them to be defended and ſaved harmleſſe by the ſaid Country and Town of **Wigenhale**, all ſo far as the Law will ſerve and permit.

6. That the **Broken dyke** be ſufficiently made, maintained, and repaired, from time to time, as it hath been in times paſt, that year and other years, thenceforth by the ſaid Country of **Marſhland**.

7. That a view be made at **Enneth**, by the chief Inhabitants of the Country, where there might be newly made and re-edified, within the Levell and Rinde thereof, a new Dyke for the defence of the water, if **Broken dyke** be broke: which view to be at **Sandy rood**, upon the *Friday* following, by eight of the Clock.

And on the tenth day of the ſame month of *April*, it was farther concluded, by the conſent of the ſaid chief Inhabitants, and Town of **Wigenhale**; that the ſaid Dyke, called **Broken dyke**, ſhould be made, maintained, and kept, from time to time, by, and at the coſts, charges and expences of the whole Country of **Marſhland**, as afore-time had been accuſtomed.

And that a new Dyke be made from **Myll dam**, unto *Peter Sanderſon's* houſe; and ſo by the high way directly about, unto a certain place, called **Suffield gate**, in ſuch height, thickneſſe and bredth, as *Thomas Guybon*, *John Reppes*, *William Hunſton*, and *Thomas Karvill* Eſquire, *Richard Baker*, alias *Ladde*, *Richard Nichols*, *Henry Hunſton*, and *Thomas Hewar* Gentleman, or the more part of them, with the advice of the workmen, ſhould think meet and convenient.

After this, *viz.* in 8 *Eliz.* there were other Ordinances [m] made touching the

[m] Ex præf. cod: MS. f. 8 *Eliz.* Banks, 113. b.

Marſh-land. Banks, Ditches, and Sewers in theſe parts; the ſubſtance whereof are as followeth; *viz.*

1 That **Rightforth lode** from **Weſthead** or **North hooke** Weſtward, being but 8 foot wide, ought to made *xij* foot in bredth, by *Edmund Beaupre* Eſquire: And ſo every perſon *&c.* to make his or their part of the ſame wideneſſe, from the ſaid *Edm. Beaupre* VVeſtwards; and ſo to **Stowbridge**.

2 That the brinks of the great River, from **Stowbridge** unto **Common load**, be made in the upper part 8 foot in bredth, between the Houſes, Hedges, and VValls of the VVeſt part of **Duſe**.

3 That **Common lode** (lying on the South ſide of **Stowbridge** houſes) be made of the wideneſſe of *xij* foot, and 4 foot deep; with ſuch a Sluſe as **Rightforth lode** hath at **Stowbridge**; to be done *&c.* at the charge of the Inhabitants of **Dounham**, **Wimbotesham**, and **Stow-Bardolf**, for that it is their Drayn *&c.*

4 That upon the ſtopping of **Newlode** (lying between **Common lode** and **Downhambridg**) the ſaid lode called **Common lode**, or **Downham lode**, was made.

5 That the gole betwixt **Dounham bridg** and **Salters lode**, to be made *xij* foot wide, and 4 foot deep; and to extend into the Fen, from the ſaid Sluce, a mile and more; and ſcoured by the Inhabitants of **Dounham**.

6 That the brinks on the VVeſt ſide of **Duſe**, from **Common lode** to **Dounham brigg**, be made *xij* foot broad in the bottom, and 8 foot on the top; and one foot higher than the higheſt water mark; to be done by the Inhabitants of **Stow-Bardolf**, **Wymbotesham**, and **Downham**.

7 That *Edm. Beaupre* Eſquire, and other the Land-holders in great **Powdichfield**, and **Whart medows**, have a Sluſe at **Welle Clouſes**, at the North head of **Whartmedow**, and ſo to drayn through the midſt of **Marſhland fenne**.

8 That the brinks of **Duſe**, from **Dounham bridge** to **Salters lode**, be made *xij* foot broad in the bottom, and 8 foot at the top; as alſo one foot higher than the higheſt water mark.

9 That the new **Powdiche**, from **Salters lode** to **North delph**, be made *xviij* foot broad in the bottom, *xij* foot at the top, and five foot in height from the plain ground. And from **North delph** to **Mullcourt**, of the ſame bredth at the top and bottom; and ſix foot in height from the plain ground. All which to be done and kept by the Inhabitants of **Marſhland**, the Town of **Wigenhall**, the Land-holders of the hundred Acres within **Stow Bardolf**, called the **Lords hedding**; and the Land-holders of the decayed Tenement, ſometimes *Bexwell's*, at **North delph**.

10. And that from the Eaſt corner of **Mullycourt**, unto **Mullycourt Drove**, it be made of the like bredth at the bottom and top, by the Dean of Ely; and ſix foot in height as aboveſaid. VVhich ſaid **Powdiche**, from **Mullycourt droves end**, tendeth VVeſtwards unto the Bridge at the Eaſt end of **Outwell** Church; and thence Northweſt unto **Boxſtedſtile**, which is the fartheſt bound of **Outwell** towards **Emneth**; and is the diviſion betwixt the half Hundred of **Clakcloſe**, and the Hundred of **Freebridge**: The which Bank or Cauſey ought to be made and kept by the Inhabitants of the Town of **Outwell**, for their lands lying in **Mullycourt field**, **Sandy field**, and **Powdich field**.

11. That the River of **Welle**, called **Welle Ee**, coming from the Bridge at the Eaſt end of **Outwell** Church, and running Eaſtward, till it come oppoſite to **Saltham lake**, thence South Eaſt unto **North delf**, thence Eaſtward to **Salters lode**, to be made *xxvij* foot wide in the bottom, and *xl* foot at the top, from the ſaid Bridge at **Outwell** Church to **Mullycourt droves end**, by the Inhabitants of **Outwell**; and from thence, of the ſame wideneſſe, by the Dean of **Ely**, to **Saltham lake**; and from thence to **Salters lode**, of the like bredth, by the Inhabitants of **Marſhland** and Town of **Wigenhall**.

12 That at the end of this River of **Well Ee**, neer **Salters lode**, be made two Jetteyes of wood, or ſtone; each oppoſite to other, and diſtant *xviij* foot, to hinder the tides from flowing up Weſtwards, towards **Welle**; and that the freſh water may have the quicker fall into the **Duſe**; and this to be done by the Inhabitants of **Marſhland**, and Town of **Wiggenhall**.

13 That

13 That the common Sewer, called **Thiele lake**, lying in **Denver fenne**, be made within *xl* Rood of **Salters lode**, between **Shiplode** and **Salters lode**; and *x* foot wide unto the Land lake; with a ſufficient gole, by *Thomas Gawſwell* Gent. owner of the Mannour of **Eaſt Hall** in **Denver**.

14 That the Common Sewer in **Denver fenn**, called **Streme lake**, be made of the wideneſſe of *x* foot, to bring the water out of the Fenn, by the ſpace of ſix furlongs; to be made and kept by the Inhabitants of **Denver**, with a ſufficient gole *&c.*

That the other common Sewer, called **Denver hithe**, lying in **Denver fenn**, between **Streame lake** and **Shiplode**, be made one furlong in length or more, and *x* foot wide, with a ſufficient gole; by *Nicholas Hare* Eſquire, owner of the Mannour of **Weſt Hall** in **Denver**.

That the brinks of **Ouſe**, between **Salters lode** and **Shiplode**, be made *viij* foot broad in the bottom, and ſix at the top; and one foot higher than the higheſt water mark.

That ſome proviſion be made for the ſtraightning of **Lynne Haven**; which, being wider than it was wont to be, cauſeth the tide to riſe higher by a foot, at **Salters lode**, than it was wont to do within theſe *xx* years.

n Ex cod. MS. penes *Guil. Goddard* Arm. An. 1567. 9 Eliz.

1 The next year following, I find [n] a Certificate and Preſentment made the *xxx*th of *June*, by *Richard Nicholls*, *Thomas Hewar*, and others, Jurats for this Country of **Marſhland**; the tenor whereof is as followeth.

1 That all the Lands and Tenements *&c.* within the Hundred of **Frebridge**, on the Weſt ſide of the great River, leading from **Salters lode** to **Lynne**; and all other Lands *&c.* in the Hundred and half of **Clackloſſe**, on the Weſt ſide of the ſaid great River, and on the North ſide of a certain Bank called the **New Pow dich**, ſituate in the Hundred and half of **Clackcloſe**, on the Weſt ſide of the ſaid great River, made and erected in the time of the reign of King *Henry* the *vi*th, are defended and ſaved from ſubmerſion and drowning with freſh water, by the ſaid Diche or Bank called the **New Pow dich**: Which Bank hath been kept and defended by the lands in the Hundred of **Frebridge**, by a certain **Marſh-land.** field called **Hawſted**, and by an hundred Acres in **Stow Bardolfe**, and the Frontier againſt **North delf** houſe, on the North ſide of the ſaid old **Powdich** only: yet thereby are defended all the Lands, Tenements and Commons on the South ſide of the ſaid old **Pow dich**, and **Emneth marſh dich**, and ought to be charged for their portion and profit by the ſaid Bank, taking between the Priory of **Mullycourt** and **Salters lode** aforeſaid; as appeareth by certain orders made before the Commiſſioners of Sewers, in the firſt year of the late King *Henry* the ſixth: yet the ſaid Lands, Tenements and Commons laſt aboveſaid, are not there chardged nor defend any part thereof, contrary to equity and Juſtice.

2 And that the Inhabitants of the ſaid Hundred of **Frebridge**, nor any of them, nor any other ought to be diſtrained or troubled by the Lords of the Fee, nor their Miniſters, when they or any of them ſhall come thither for the making their portions of the ſaid Bank, nor for the overſight of the making thereof; nor for the depaſturing of their Horſes there; nor for their carriage; but that they may return in the meeteſt and moſt convenient ways for them, and have free ingreſſe and egreſſe to the ſame Dyke or Bank, without any amerciament or other puniſhment; Saved to the Lords, *Wayf*, *Stray*, puniſhment for blood draught, and for *Hue* and *Cry*.

3 And that every perſon is chardgable to keep their portions upon the ſaid Bank, from time to time, by and after the Cuſtome of **Marſhland**, by old Cuſtome uſed; that is to ſay, by *Bylawe*, *Byſcot*, *Triſcot*; and *Wopeny*.

And that every Town of the ſaid Hundred of **Frebridge**, is chardgable to keep and repair their portions upon the ſaid Bank, upon pain of *xx* l. to be paid to the Queens Majeſty, her heirs and ſucceſſors, Kings and Queens of this Realm.

4 And that the menure for the repair of the ſaid Bank, ought to be taken on the South ſide of the ſame Bank, and *xij* foot from the foot of the ſaid Dike or Bank; and not upon the North ſide, but when for the Inundation of the water it

cannot

Marſh-land. Banks, Ditches, and Sewers in theſe parts; the ſubſtance whereof are as followeth; *viz*.

1 That **Rightforth lode** from **Weſthead** or **North hooke** Weſtward, being but 8 foot wide, ought to made *xij* foot in bredth, by *Edmund Beaupre* Eſquire: And ſo every perſon *&c.* to make his or their part of the ſame wideneſſe, from the ſaid *Edm. Beaupre* VVeſtwards; and ſo to **Stowbridge**.

2 That the brinks of the great River, from **Stowbridge** unto **Common load**, be made in the upper part 8 foot in bredth, between the Houſes, Hedges, and VValls of the VVeſt part of **Duſe**.

3 That **Common lode** (lying on the South ſide of **Stowbridge** houſes) be made of the wideneſſe of *xij* foot, and 4 foot deep; with ſuch a Sluſe as **Rightforth lode** hath at **Stowbridge**; to be done *&c.* at the charge of the Inhabitants of **Dounham**, **Wimbotesham**, and **Stow-Bardolf**, for that it is their Drayn *&c*.

4 That upon the ſtopping of **Newlode** (lying between **Common lode** and **Downhambridg**) the ſaid lode called **Common lode**, or **Downham lode**, was made.

5 That the gole betwixt **Dounham bridg** and **Salters lode**, to be made *xij* foot wide, and 4 foot deep; and to extend into the Fen, from the ſaid Sluce, a mile and more; and ſcoured by the Inhabitants of **Dounham**.

6 That the brinks on the VVeſt ſide of **Duſe**, from **Common lode** to **Dounham brigg**, be made *xij* foot broad in the bottom, and 8 foot on the top; and one foot higher than the higheſt water mark; to be done by the Inhabitants of **Stow-Bardolf**, **Wymbotesham**, and **Downham**.

7 That *Edm. Beaupre* Eſquire, and other the Land-holders in great **Powdichfield**, and **Whart medows**, have a Sluſe at **Welle Houſes**, at the North head of **Whartmedow**, and ſo to drayn through the midſt of **Marſhland fenne**.

8 That the brinks of **Duſe**, from **Dounham bridge** to **Salters lode**, be made *xij* foot broad in the bottom, and 8 foot at the top; as alſo one foot higher than the higheſt water mark.

9 That the new **Powdiche**, from **Salters lode** to **North delph**, be made *xviij* foot broad in the bottom, *xij* foot at the top, and five foot in height from the plain ground. And from **North delph** to **Mullicourt**, of the ſame bredth at the top and bottom; and ſix foot in height from the plain ground. All which to be done and kept by the Inhabitants of **Marſhland**, the Town of **Wigenhall**, the Land-holders of the hundred Acres within **Stow Bardolf**, called the **Lords hedding**; and the Land-holders of the decayed Tenement, ſometimes *Bexwell's*, at **North delph**.

10. And that from the Eaſt corner of **Mullycourt**, unto **Mullycourt bridge**, it be made of the like bredth at the bottom and top, by the Dean of **Ely**; and ſix foot in height as aboveſaid. VVhich ſaid **Powdiche**, from **Mullycourt bridges end**, tendeth VVeſtwards unto the Bridge at the Eaſt end of **Outwell** Church; and thence Northweſt unto **Borſtedſtile**, which is the fartheſt bound of **Outwell** towards **Emneth**; and is the diviſion betwixt the half Hundred of **Clakcloſe**, and the Hundred of **Freebridge**: The which Bank or Cauſey ought to be made and kept by the Inhabitants of the Town of **Outwell**, for their lands lying in **Mullycourt field**, **Sondy field**, and **Powdich field**.

11. That the River of **Welle**, called **Welle Ee**, coming from the Bridge at the Eaſt end of **Outwell** Church, and running Eaſtward, till it come oppoſite to **Saltham lake**, thence South Eaſt unto **North delf**, thence Eaſtward to **Salters lode**, to be made *xxvij* foot wide in the bottom, and *xl* foot at the top, from the ſaid Bridge at **Outwell** Church to **Mullycourt bridges end**, by the Inhabitants of **Outwell**; and from thence, of the ſame wideneſſe, by the Dean of **Ely**, to **Saltham lake**; and from thence to **Salters lode**, of the like bredth, by the Inhabitants of **Marſhland** and Town of **Wigenhall**.

12 That at the end of this River of **Well Ee**, neer **Salters lode**, be made two Jettyes of wood, or ſtone; each oppoſite to other, and diſtant *xviij* foot, to hinder the tides from flowing up Weſtwards, towards **Welle**; and that the freſh water may have the quicker fall into the **Duſe**; and this to be done by the Inhabitants of **Marſhland**, and Town of **Wiggenhall**.

13 That

13 That the common Sewer, called **Thicke lake**, lying in **Denver fenne**, be made within xl Rood of **Salters lode**, between **Shiplode** and **Salters lode**; and x foot wide unto the Land lake; with a ſufficient gole, by *Thomas Gawſwell* Gent. owner of the Mannour of **Eaſt Hall** in **Denver**.

14 That the Common Sewer in **Denver fenn**, called **Streme lake**, be made of the wideneſſe of x foot, to bring the water out of the Fenn, by the ſpace of ſix furlongs; to be made and kept by the Inhabitants of **Denver**, with a ſufficient gole *&c.*

That the other common Sewer, called **Denver hithe**, lying in **Denver fenn**, between **Streame lake** and **Shiplode**, be made one furlong in length or more, and x foot wide, with a ſufficient gole; by *Nicholas Hare* Eſquire, owner of the Mannour of **Weſt Hall** in **Denver**.

That the brinks of **Ouſe**, between **Salters lode** and **Shiplode**, be made *viij* foot broad in the bottom, and ſix at the top; and one foot higher than the higheſt water mark.

That ſome proviſion be made for the ſtraightning of **Lynne Haven**; which, being wider than it was wont to be, cauſeth the tide to riſe higher by a foot, at **Salters lode**, than it was wont to do within theſe *xx* years.

n Ex cod. MS. penes *Guil. Goddard* Arm. An. 1567. 9 Eliz.

1 The next year following, I find [n] a Certificate and Preſentment made the *xxx*th of *June*, by *Richard Nicholls*, *Thomas Hewar*, and others, Jurats for this Country of **Marſhland**; the tenor whereof is as followeth.

1 That all the Lands and Tenements *&c.* within the Hundred of **Frebridge**, on the Weſt ſide of the great River, leading from **Salters lode** to **Lynne**; and all other Lands *&c.* in the Hundred and half of **Clackloſſe**, on the Weſt ſide of the ſaid great River, and on the North ſide of a certain Bank called the **New Pow dich**, ſituate in the Hundred and half of **Clackcloſe**, on the Weſt ſide of the ſaid great River, made and erected in the time of the reign of King *Henry* the *vi*th, are defended and ſaved from ſubmerſion and drowning with freſh water, by the ſaid Diche or Bank called the **New Pow dich**: Which Bank hath been kept and defended by the lands in the Hundred of **Frebridge**, by a certain Marſhfield called **Hawſted**, and by an hundred Acres in **Stow Bardolfe**, and the Frontier againſt **North delf** houſe, on the North ſide of the ſaid old **Powdich** only: yet thereby are defended all the Lands, Tenements and Commons on the South ſide of the ſaid old **Pow dich**, and **Emneth marſh dich**, and ought to be charged for their portion and profit by the ſaid Bank, taking between the Priory of **Mullycourt** and **Salters lode** aforeſaid; as appeareth by certain orders made before the Commiſſioners of Sewers, in the firſt year of the late King *Henry* the ſixth: yet the ſaid Lands, Tenements and Commons laſt aboveſaid, are not there chardged nor defend any part thereof, contrary to equity and Juſtice. Marſhland.

2 And that the Inhabitants of the ſaid Hundred of **Frebridge**, nor any of them, nor any other ought to be diſtrained or troubled by the Lords of the Fee, nor their Miniſters, when they or any of them ſhall come thither for the making their portions of the ſaid Bank, nor for the overſight of the making thereof; nor for the depaſturing of their Horſes there; nor for their carriage; but that they may return in the meereſt and moſt convenient ways for them, and have free ingreſſe and egreſſe to the ſame Dyke or Bank, without any amerciament or other puniſhment; Saved to the Lords, *Wayf*, *Stray*, puniſhment for blood draught, and for *Hue* and *Cry*.

3 And that every perſon is chardgable to keep their portions upon the ſaid Bank, from time to time, by and after the Cuſtome of **Marchland**, by old Cuſtome uſed; that is to ſay, by *Bylawe*, *Byſcot*, *Triſcot*; and *Wopeny*.

And that every Town of the ſaid Hundred of **Frebridge**, is chardgable to keep and repair their portions upon the ſaid Bank, upon pain of *xx* l. to be paid to the Queens Majeſty, her heirs and ſucceſſors, Kings and Queens of this Realm.

4 And that the menure for the repair of the ſaid Bank, ought to be taken on the South ſide of the ſame Bank, and *xij* foot from the foot of the ſaid Dike or Bank; and not upon the North ſide, but when for the Inundation of the water it

cannot

Marſh-land.

cannot be taken on the South ſide of the ſaid Bank, called the **New Pow dich.**

5 Item they ſay and find, that there is a certain **Ward dich**, or Fence Bank, called the **Old Pow dich**, which doth begin at a place, called the **Wech**, or **Welt head**, next unto **Rightfoth lode** brinke; and extendeth Weſtwards nine hundred and twenty two Rode, unto a certain place, called the **Thwart lane**, or the **New Pow dich** of **Marſhland**: which Bank is in good repair, from the Weſt end thereof, unto a certain place in **Walpole** charge, where againſt, *Edmund Beaupre* Eſquire, hath fixed and ſet certain barrs into a paſture of his there, by reaſon the ſaid *Edmund* doth keep and maintain a certain Creſt or Fen-bank on the North brink of **Rightfoth lode**; which defendeth the water on the South ſide thereof, from the **Pow diche** aforeſaid. But at a certain Gate upon the ſaid **Old Pow diche**, in **Emneth charge**, in the reach aforeſaid, is a certain Pipe laid by the ſaid *Edmund Beaupre*, for the drayning of certain Lands on the South ſide of the ſaid **Old Pow dich**, which is to the ſurrounding of the **Fen** and **Smethe** of **Marſhland**; and of right ought not that way to drayn, but by **Rightfoth lode**: And that the ſaid Pipe ought to be taken up, and the ſaid place ſtopt and made higher, that no water drayn that ways.

6 And the reſidue of the ſaid **Old Pow dich**, in the charge of **Walpole**, **Terington**, **Clenchwarton**, and part of **Tylney**, in part is defective, for lack of height and bredth; and that moſt chiefly by the ruine and decay of a certain Creſt or Fen-bank, which ought to be kept on the North ſide brink of **Rightfoth lode**, by *Nicholas Hare* Eſquire, and others. And that the reſidue of the ſaid Bank of the **Old Pow dich** is in good repair, even unto **Rightfoth lode brinke**: By the ruine and decay of which Bank, the groſſe Common, called the **Smethe**, and the Fen of **Marſhland**; and certain Fens and low grounds in **Wigenhall** and **Stow-Bardolf**, on the North ſide of the ſaid **Pow dich**, may be ſurrounded and damnified.

7 And that the ſaid **Thwart lane**, or the **New Pow dich** of **Marſhland**, extending from the **Old Pow dich** aforeſaid, unto a certain place of **Emneth marſh dich**, called **Abbot's hirne**, as we think in our conſciences, ought to be kept and maintained by the chardges of the ſaid Country of **Marſhland**, as oft, and when need ſhall require; the South end whereof is in defect for lack of height; yet not very needfull to be exalted and made, becauſe the Hundred is ſufficiently defended by a certain Bank of the **Old Pow dich**; which extendeth from the South end of the **Thwart lane** aforeſaid, unto the River or Sewer of **Welle**; and from thence, on the Weſt ſide of the ſaid River, unto the beginning of **Emneth** Sea-dyke, at **Boxſted ſtile**: which Bank of the **Old Pow dich**, we find neceſſary to be new agiſted, that every perſon may have equal chardge accordingly as they now uſe.

8 Item they ſay and find, that all the Lands and Tenements *&c.* in the ſaid Hundred, on the Weſt ſide of the ſaid great River, and a certain field called **Hawſted**, are defended and ſaved from ſurrounding, by a certain Bank called **Broken dich**, or **Old fen dich**, ſituate in the Town of **Elme**, in the County of **Cambridge**; extending from a certain place at **Emneth**, called **Mill dam**, unto another place called **Hichcock's dam**: which Bank, for the better ſecurity of **Marſhland**, would be exalted from the corner, next the Manſion houſe of *Robert Blewick*, in **Emneth**, unto **Hichcocks dam**, one foot at the leaſt; and more, where neceſſity ſhould be; ſo that the ſame ſhall be a juſt Levell, and in bredth in the top, twelve foot; and by the common chardges of all the Lands and Tenements within the Salvation aforeſaid.

9 Item, that two Pipes are laid throughout the ſaid Bank, for the drayning of certain lands on the South ſide of the ſaid Bank, which are to the ſurrounding of **Marſhland**, and the Commons of the ſame; and ought to be fordone and broken up, for that they are to the great prejudice of **Marſhland**.

10 Item, they ſay and find, that where in the firſt year of *Henry* the ſixth, a Decree was made, before the Commiſſioners of Sewers then, aſwell for the Salvation of certain Fields, called **Plawfield**, **Budbeche field**, **Kirkfield**, and **Sandyfield**, in **Upwell** and **Outwell**; as alſo for

for the perfect saving and sewing of the Lands and Tenements, within the salvation of the **New Powdich**; then to be erected, and on the South side of the **Old Pow diche** aforesaid; that there should be two Gotes made, under the River in **Welle**, for the drayning of the said fields: which Gotes, through the insufficiency of the Sewer, called **Rightforth lode**, extending to the great River, have oft overflown and surrounded, and almost every winter do overflow divers Lands, Tenements, and Commons, in **Welle** and **Stow-Bardolf**, and much damnifie the **Old Powdich**, to the great and inestimable hurt of the Lands, Tenements and Commons, within the Salvation aforesaid. Wherefore it was decreed by certain Commissioners; that if the Lands and Tenements, that way drayning, do not sufficiently keep the said Sewer, that the water be kept within the Bay; so that the Lands within the Salvation of the said **New Powdich**, may drayn into, and by the said Sewer; that then it shall be lawfull to the Inhabitants of **Marshland** to stop up their said Gotes.

11 Which Decree, for that it is profitable for the said Hundred, and for all other the premisses within the Salvation of the said **New Powdich**; we find, that it is reasonable, that it be ratified by the authority of this Commission of Sewers. And further, that it shall not be lawfull for any man to open the said Gotes, or Gote, before the water be fallen within the Bay; so that all the premisses, within the said Salvation of the said **New Powdich**, may drayn and be sewed, which lye on the South side of the **Old Powdich**, upon pain to lose and forfeit for every such offence x l. to be levyed by any of the Dike-Reeves of **Marshland**; or by so many of them as the said Country shall assign, of the goods of every person or persons which shall open the same, or their procurers, or any of them, towards and for the stopping of the said Gotes, to the scouring of the said Sewer; and to be bestowed upon the said **Old Pow dich** in equal proportions.

12 Item they say, that neither the Lord, nor no Commoner, shall feed any Beasts upon the said **New Pow dich**, besides Sheep; nor make any drift with Beasts upon the said Bank, for inestimable hurt that may there be done, upon pain of a peny for every load so driven, or under the custody, will, or default of any keeper of any; to be paid to the Dike-Reeves of the same Bank, as oft as such offence is: And that the Beasts there found feeding or drivē in māner aforesaid except such as are excepted) by the said Dyke-Reeves, shall be distrained, impounded, and in pound to be kept, while the owners of them shall pay the mony forfeited, which shall be imployed upon the amendment of the said Bank, so hurt by the drift of the said Beasts, as appeareth by the Decree made then. **Marshland.**

13 Item they say and find, that all the Lands *&c.* on the South side of the said **Old Pow dich**, and all other Lands in **Welle**, on the West side of the River, leading from **Hill dam** to **Welle** Church, are saved from surrounding, and do take great benefit by the **New Pow diche** aforesaid; and therefore ought to be charged between the Priory of **Mullycourt** and **Salters lode**, for their portion and profit thereby taking; but are not; whereby the Queens Majesties possessions, and other possessions of the Country of **Marshland**, are very much surcharged.

14 Item they say, that the Inhabitants of **Marshland**, or any other that shall come to the said **New Pow dich**, for the menuring, making, or repairing of the same; or oversight thereof, with their Carriages, Horses, or other things for the defence thereof; ought not to be distrained, or otherwise troubled by the Lords of the Fee, or their Ministers; but that they may return in the ways meetest for them without amerciament or punishment: and that way of punishment is reserved to the Lords of the Fee; but *Wayf*, *Stray*, punishment for bloud-draught, and for *Hue* and *Cry*, and for taking of menure on the North side of the said Bank, within fourty foot of the foot of the same Bank.

15 And they say and find, that the said Dyke or Bank, is in defect for lack of height or bredth, between the Priory of **Mullycourt** and **North delf** house, in divers places of necessity defended; *viz.* in the supposed charges of **Emneth** *xi* foot; of **Terington** *xxiij* Rods; of **Walsoken** *viij* Rods and a halt; of **Well-wal-**

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ton x Rods; of **Walpole** *xli* Rods; of **Tylney** *xij* Rods; of **Wigenhall** *iij* Rods; and *xv* Rods againſt the decayed meſſuage of **North delf**; which ought to be kept by the ſaid meſſuage-land to it belonging, in wideneſſe and height equal to the ſaid **New Pow dich**. And from **Northdelf** to **Salters lode** in the like ſuppoſed charges; of **Enmeth** *iij* Rode; **Walſoken** *xxii*; **Walton** *xxxvi*; **Walpole** *Lxx*; **Teringtone** *Lxij*; **Weſt-Lynne** *vi*; **Clenchwarton** *xvi*; **Tylney** *xli*; **Wigenhall** *Lx*; beſides a certain other part likewiſe ſuppoſed to be the charge of certain other lands of a *C.* Acres in **Stowe**, on the North ſide of the **Old Pow diche**, which is wholly in defect.

16 All which Bank, from **Salters lode**, to the decayed meſſuage of **North delf**, ought to be five foot above the Fen; and in bredth in the bottom, *xviij* foot; and in bredth in the top, *xij* foot. And from the ſaid **Northdelf houſe** to **Mully court**, the ſaid *B*ank ought to be in height *vi* foot; and in bredth in the bottom *xviij* foot; and in the top *xij* foot.

17 And that the menure for the repair & making of the ſame Bank, ought to be taken on the South ſide, *xij* foot from the foot of the ſame Bank, ſaving in the time of great need; and not on the North ſide of the ſame Bank; but in the winter time, and when for the inundation of the water, it cannot be taken on the South ſide; and then *C.* foot from the foot of the ſame Bank. But becauſe there is no puniſhment contained in the ſaid Decrees for ſuch offenders, as take their menure within *xij* foot of the ſaid Bank, on the South ſide thereof, whereby the foot of the ſaid Bank, in divers places, is very ſore diminiſhed; and the Lands and Tenements within the Salvation aforeſaid, much the more in peril; wherefore we find it reaſonable, that it be now decreed, that every perſon that ſhall take any menure on the South ſide of the ſaid Bank, within twelve foot of the ſaid Bank, except in time of great neceſſity, ſhall loſe and forfeit for every Rod ſo taken and decayed as aforeſaid, *x*^{s}. the moytie to the finder of the ſame, the other moytie to the Queens Majeſty.

But notwithſtanding all this care and coſt, ſo outragious were the ſtorms and tempeſts, which did beat upon theſe Sea-banks, that on *Monday* and *Tueſday*, the ſecond and third of *October*, in the year 1570. (12 *Eliz.*) they made [o] ſeveral breaches in them, whereby all **Marſhland**, together with the Town of **Wigenhale**, was overflowed with Salt water; ſo that from old **Lynne** unto **Magdalen bridge**, there were not left ten Rods of the ſaid Bank firm and whole, to the extraordinary damage of all the Country.

[o] Ibid.

How theſe breaches were made up, I have not ſeen, nor any thing elſe conſiderable, touching theſe parts, untill 39 *Eliz.* that there was complaint [p] made at a Seſſion of Sewers then held at **Beaupre Hall**; that in regard of the neglect of keeping the water in **Rightforth lode**, within the Creſts of the ſame, the grounds on the North part of the ſaid lode, were, in time of great inundations overflown; which occaſioned the Tenants thereof, for avoiding of the water, to cut the old **Pow dike**, and to iſſue the ſaid water into **Marſhland Fen**, to the great ſurrounding of the ſame, and extraordinary loſſe to the Inhabitants and Commoners there: It was therefore ordained and decreed by the ſaid Commiſſioners; that if any perſon or perſons whatſoever, ſhould thenceforth attempt to cut the ſaid Bank, in any part thereof, to the intent aforeſaid; or ſhould lay any Pipe or Sluſe, for the waters to fall through the ſame, other than ſuch as were already laid, ſhould loſe and forfeit to the ſaid Queen, her heirs and ſucceſſors *xx* ^{l}. to be levyed of the Goods and Chatels of every ſuch perſon, upon every ſuch default.

[p] 39 *Eliz.* Ibid.

After this, divers years, there happed [r] a mighty tide, upon the firſt day of *April* 1607. (5 *Jac.*) which broke **Catts banke**, and drowned **Clenchwarton**: On the *xv*th of which month, there was another Survey [ſ] made of the before-ſpecified New **Pow dike**, together with an Agiſtment thereof, by one Mr. *Richard Atkins* of **Outwell**; which was performed very exactly, by the Rod of *xvi* foot and an half, of ſtrict meaſure, according to the number of perches charged upon every Town; and began at the ſtone, erected upon the ſaid Bank neer **Mullicourt** corner, by **Saltham lake**: the number

[r] Ex cod. MS. penès præf. *O. S. John* f. 200. a.

[ſ] Ex cod. MS. penès præf. *G. Goddard* Arm.

ber of perches, from **Mullicourt** to **Northdelf Close**, being there found to be *CCCCxlix.* according to the large Hundred; which perfectly agreed with the Books and Rolls of the Country: From whence the repair of the said Bank, on the South part, and opposite to the said **Northdelfe Close**, was assigned to the heirs of Sir *Francis Gawdey* Knight, for the whole length thereof, as antiently it had been.

And from that place it went on, more towards the East, from the East corner of the before-specified Close, neer the Ditch, unto a stone fixed nigh **Salters lode**; which is the chardge belonging to **Stow-Bardolf**, for those Lands called the Hundred Acres: but this part was measured by the Rod of *xvij* foot; and so accorded perfectly with the just number of perches antiently assigned to each Town of **Marshland**. All which being done, there were special Merestones set up by the said *Richard Atkins*, which had peculiar names graved upon them, by the consent of the Inhabitants, and did distinguish the several proportions of the said Bank, charged upon each Town. And thence, for the Hundred acres of **Stow** aforesaid, unto the Ditch, which compasseth the Tenement at **Salters lode**, were *xxiij* perches and ten foot, according to the said Rod.

At which time it was agreed betwixt the *Dyke-Reeves*, who were then in office, that the proportion of the said Bank charged upon **West Lynne**, should be transposed and agisted, aswell above as below, with **Tilney** and **Wigenhale**, where the said Bank was more secure; in regard that the Inhabitants of the said Town of **Lynne** had been found so negligent in repairing and maintaining their parts thereof. And it was then also finally concluded, betwixt the principal Guardians of the said Bank, that this new survey & assignation of parts, should continue in force for ever; and all formerly made, in regard they were so confused, to be utterly void.

The next year following, on the *xvi*th of *August* (*viz.* 6 *Jac.* An. 1608) it was by a Law of Sewers decreed [t], that a new Drayn or Lode should be made and maintained from the end of **Chancelours lode**, unto **Tylney Smethe**, on the South side of the Bank, to the Fen-ward of the aforesaid antient Sewer; which Drayn to be *xij* foot in bredth, and four or five foot in depth. Likewise that a Sluse or Gole should be made at the North end of **Chancelour's lode**, to convey the waters of the Fen into the common Sewer. Marshland.

And it was then also decreed, that the Land-holders on the South side of **Wisebeche**, should from that time forward sew and passe the water out of those their Lands lying on the said South side of **Wisebeche** (between the River of **Wisebeche** on the North, and **Ingham field**, **Halfpeny field**, and **Spittle field** on the South, and **Gold bank** on the West, containing by estimation eleven hundred Acres of ground) every year from the *xxv* of *March*, untill the first of *November*, by a Pipe of *xviij* inches square, under the little River of **Wisbeche**, at a place called **New common**, into **Eneneth** field; and so into **Walsoken** drayn; and so to the **Smethe lode**: and, that, in consideration thereof, the said Land-holders should pay to the Inhabitants of **Marshland** *C* [l].

And on the *xxvi* of the same month, it was farther decreed [u], that all the rinde Banks within this Country of **Marshland**, towards the Sea, should be of the height and scantling hereafter expressed; *viz.* in **Terington**, **Walpole**, **West Walton**, and **Emneth**, in height eight foot, above the ordinary Marsh-tides; and in bredth on the top ten foot. And, that the residue of the rinde Banks in **Islington**, **Tilney**, **West Lynne**, **North-Lynne**, and **Clenchwarton**, to be of such height and bredth, as the *Dyke-Reeves* should think fit.

As also, that Register Books of Parchment be made by the *Dyke-reeves*, in every Town, containing the number of Acres of their Lands; with the quantity of their Banks, Walls, Wood-shores, and other defences, which every of the said Towns are charged to make, either to the Sea, or otherwise. And that whereas the Towns of **Terington**, **Tilney**, and **Clenchwarton**, had In-dikes for their defence against the Salt water, in case any sudden breach of the Sea-bank should happen; it was decreed, that the said In-dikes should be carefully maintained and repaired by those *Dyke-Reeves*, out of the Common Acre-shot, assessed

[t] Exprxf. cod MS. penès O. S. John f. 218. a.

[u] Ibid.

Marshland. assessed within every of the said Towns.

After this, at another [w] Session of Sewers, held on the *xvij*th day of *April*, in the year of our Lord 1610, (8 *Jac.*) it being considered, that this Country of Marshland was subject to surrounding, aswell by downfalls of Rain, as by the overflowing of the Sea and fresh waters; and was therefore kept drayned by Sewers, descending to Knight's-Gole (the common out-fall to the great River of Ouse:) And that the said Gole, by the flowing and ebbing of the Sea, was then so silted up with sand, at divers times, especially in Summer, that it obstructed the waters in the said Sewers, to the utter surrounding of all the Fens and low grounds in the said Country; And moreover, that the said Gole, in former times had been kept and perfected, as also the fleet from the same, unto the before-specified River, by a certain antient pair of Clows, placed up higher in the Sewer thereby; one appointed for the taking in of the tides, and so holding up the water, between a pair of Clows, untill the River of Ouse were run low; and then forcibly let go, for the scouring of Sand out of the said Gole and Fleet: And that the setting open of the said Gole, and putting down and pulling up the said Clows, would be both dangerous and troublesome, by reason of the greatnesse and weight of the said Clows, made to that purpose: It was ordained and decreed, that there should, in consideration thereof, be yearly paid out of every hundred Acres of Land, being several, within the said Rinde of Marshland, which were drayned by the said Gole, and had usually paid thereunto, the sum of *ij*d.*ob.* by the owners or occupyers of the said Lands; and so after that rate. And of every hundred Acres of Land, lying on the South side of Wisbeche and Elme, Oldfield, and Outwell, which then were or should be drayned by the said Gole, by the owners or occupyers thereof, *v* d. and so after that Rate.

And whereas the Land-holders of Oldfield, in Elme, and certain Lands in Outwell, on the East side of Welle river, from Emneth unto Beaupre Hall, and so to Stonying stile, and thence to the old Pow dyke, had at divers times drayned their said Lands in Oldfield, into Marshland, through the out-rinde Bank of Marshland, called Broken dyke, and so through Emneth into Marshland Fenn: as also their Lands in Outwell, to the great hurt of the said Country, by suffering those waters to run into the said Fen, without any perfect Sewer, to carry them down in any Gole to the Sea; and likewise without paying any Tax, Acreshot, or other contribution towards any Drayn, Sewer, or Gole, in Marshland for the same: It was then also ordered, that the said Lands should not, thenceforth, be drayned into Marshland Fenn, but by and under such conditions here expressed; *viz.* that the Land-holders of Oldfield and Outwell, should, before the *xxiiij*th of *August* then next ensuing, give unto the Land-holders of Marshland *C*l. *viz.* the Land-holders of Oldfield *Lxxv*l. and they of Outwell *xxv*l. towards the making of a certain lode, between Marshland Fenn, and Smethe, called Shore lode, in wideneſse *xij* foot, and in depth four or five foot; and towards the making of three sufficient Stone-bridges for Carts to passe over the said Lode.

[w] Ibid.

But it was neither the strength nor height of those their Banks, so repaired as aforesaid, which could secure them from that dreadfull inundation of the Sea, hapning on the first of *November*, in An. 1613. (11 *Jac.*) the memorial whereof I shall here deliver from an Inscription upon the East wall of the South Isle, in Wisbeche Church.

To the immortal praise of God almighty, that saveth his people in all adversities, be it kept in perpetual memory, that on the Feast day of All Saints, *being the first of* November, *in the year of our Lord* 1613. *late in the night, the Sea broke in, through the violence of a North-east wind, meeting with a Spring tide, and overflowed all* Marshland, *with this Town of* Wisbeche, *both on the North side and the South; and almost the whole Hundred round about; to the great danger of mens lives, and the losse of some; besides the exceeding great losse, which these Counties sustained, through the breach of Banks, and spoil of Corn, Cattel and Howsing, which could not be estimated.*

Which losses, with other things of note, relating to the said Banks, and the par-

particular Towns then ſurrounded, as they were preſented upon Oath, by the Jurors for the hundred of **Frethebridge**, before the Kings Commiſſioners ſitting at **Lynne**, upon the *ix*th day of *December*, in the year before-ſpecified, I have here, likewiſe, thought fit to tranſcribe.

x Ex præſ. cod. MS. penès O. S. Jo'n cap. Juſtic. de Banco.

The Preſentment x *of the Jury, for the Hundred of* **Frebridge** *in* **Marſhland**, *made at* **Kings Lynne** *9 Decemb.* 11 Jac. *An.* 1613.

Ex parte Terington.

1 *Inprimis*, we preſent and ſay *&c.* that there is belonging to the Town of **Terington**, a Sea-dyke, containing *xiC* Rode, in length, or thereabours; which was in good repair before the firſt and ſecond day of *November* laſt; whereof *CCCCxx* Rode were ruinated by the rage of the Sea, that then happened; and alſo one Bridge, called **St. Johns bridge**, was then broken up.

2 That there were at that time loſt, by the rage of the Sea *&c.* 1876 ſheep, amounting to the ſum of *Lviij* l. and more. In great Beaſts, loſt 120, valued at 322 l.

In Corn ſowed in the Fields, 480 acres, valued at *xxx* s. the Acre; amounting to 720 l.

Hay loſt in the fields and barns, to the value of *CC* l.

Corn in the barns loſt, to the value of *DCC* l.

Graſſe in the Fields loſt, to the value of *D* l.

Dwelling houſes utterly ruinated and waſted *xiij*.

And *Cxlii*. dwelling houſes there impaired, to the value of a *M* l.

Bedding and other Houſhold-ſtuff loſt, to the value of *xl* l.

In this diſtreſſe the people of the Town fled to the Church for refuge; ſome to Hay-ſtacks; ſome to the baulks in the Houſes, till they were neer famiſhed; poor women leaving their Children ſwimming in their beds, till good people adventuring their lives, went up to the breaſt in the waters to fetch them out at the windows: whereof Mr. *Browne* the Miniſter, did fetch divers to the Church upon his back: And had it not pleaſed God to move the hearts of the Mayor and Aldermen of **Kings Lynne**, with compaſſion; who ſent Beer and Victual thither, by Boat; many had periſhed: which Boats came the direct way over the ſoyl, from **Lynne** to **Terington**. Marſh-land.

3 That the Creek, which now runneth under **Terington** bank, and underneath them, hath within four or five years laſt paſt, run half a mile off; and that about *xx* years ſince it did run about a mile off.

4 We think, that the approach of the ſaid Creek, is the greateſt cauſe of the decay and overthrow of the ſaid Banks: and that at this preſent, the ſaid Creek runneth where Banks have lately ſtood, being *xxiiij* foot deep or more, at a low water. And that by the ſaid outrage, there are four other great Creeks, worn in the whole ground, to the Town-ward, where there was Corn reaped the laſt Harveſt; whereof two of the ſaid Creeks are fourſcore foot broad a piece, and neer *xxx* foot deep; and are worn to the Town-ward, within ten rod of the In-dyke, by the reflowing and ebbing of the waters, from out of the Town to the Sea-ward; and that theſe Creeks were ſo worn within the ſpace of *xlviij* hours.

5 We ſay, that the Townſhip of **Terington** ſtandeth chardged with *xiC*. Rod of Bank, at *xvi* foot to the Rod; which, within 50 years laſt paſt, coſt making *MMxx* l. And that nineſcore Rod, part thereof, have by the ſpace of *xx* years laſt paſt, been made with earth, ſtraw, and wood, at *iiij* l. the Rod *per annum*; which is for every year 720 l.

There hath been more, fourſcore and two Rod (part of the ſaid Bank) made very ſtrongly with lime and ſtone; which coſt, the firſt making, betwixt *xvi* and *xx* l. the Rod, amounting to *MMM* l.

There was more, ſix Rods of ſtone wall made, which coſt *CC* l. The yearly repair of the ſaid ſtone walls having coſt by the ſpace of *xij* or *xiiij* years laſt paſt *CC* l.

The repair of *viiC Liiij* Rode, the reſidue of the ſaid *xiC* rods, coſt ſeven years ſince *CCCLxxiij* l. and now, upon this rage, will coſt more.

There are alſo two **Inbanks** loſt by the ſaid outrage, which were made

Marſh-land.

within ten years laſt paſt, and coſt *CCCC* l.

Alſo one other Indike made the laſt year, which coſt making *DXCviii* l. and is now ruinated by this laſt rage, to the value of *Cxx* l.

There were alſo expoſed to the Sea, this laſt year, without the ſaid Indike, *Cxxxvi.* Acres; for which by the Law of Sewers an allowance of fifty ſhillings the Acre is and muſt be paid; amounting to the ſum of *CCCxx* l.

6 We ſay, that the Salt Marſhes of **Terington** are exceedingly worn away: For the Kings Majeſty had one Marſh, in the occupation of *Awdley Lad*, alias *Baker*, or his aſſigns, called the **Gonge Marſh**; which, by report, hath contained about *CCC.* Acres; and within *xxx* years laſt paſt, contained *Lx.* Acres, which is now all worn to the Sea. And his Majeſty hath loſt more within theſe *xxx* years, *C* Acres of Marſh, being part of other Marſhes, which the ſaid Mr. *Lad* holdeth by Leaſe of his Majeſty. Which Marſhes are (as we ſuppoſe) chiefly waſted or decayed, for want of keeping and maintaining of divers Damms, which are named and ſet down hereafter in the anſwer to the *xii*th Article.

7 We ſay, that the waters of **Wiſebeche** and **Elme**, have antiently fallen to the four Gotes as they now do, and from thence they have fallen to the Sea, within the memory of man, more than a mile off from **Terington** Banks: And it is very probable, that in antient time they have fallen to the Sea much farther off.

But, in our opinions, upon our view taken, they might be carryed, at this time, a neerer way to the Sea; *viz.* from the four Gotes aforeſaid, over **Tyd** marſh, and **Sutton** marſhes, unto a Creek there, called **Kings Creeke**; and there to fall into the deep, called **Lutton Leame**, and ſo to the Sea; which is a ſhorter courſe for the River by *vi* miles, and hath a much better outfall.

8 We ſay, that all the Towns within the Iſle, which have been heretofore chardged with the maintenance of **Wiſebech** River: and ſuch other Towns in **Northamptonſhire** and **Huntingdonſhire**, bordering on the ſaid Iſle, between **Peterborough** and **Somerſham**, who have heretofore contributed to the maintenance of **Clows croſſe Drayne**, or **Wiſebech** River, ſhall, in our opinions be benefitted thereby: And the Towns of **Walpole** and **Terington** proportionably: but for the portions of money to be particularly rated upon every ſeveral Town, we leave it to farther conſideration.

9 We ſay, that we hold it convenient, there be a new Indike taken at **Terington**, for the preſent and better preſervation of the ſaid Town: but whether the ſaid Indike will defend the Town any long time, except the waters be diverted, and the Marſhes imbanked, we know not.

10 } *Nihil.*
11 }

12 We ſay, that theſe Marſhes following are very much decayed, for want of making and maintaining of Damms, *viz.* between one Marſh in the tenure of *Awdley Lad*; and one other Marſh called the **New marſh**, being alſo the Kings Majeſties, being in the tenure of Sir *Robert Wynde*, or his aſſigns; there is a Creek called **Purdle fleet**, which it *x* rod broad, and *xx* foot deep, within the levell ſoyl; being on the Eaſt ſide of the **Ewe marſh** and the **Wyſſe**; which Creek continually floweth and refloweth, dangerouſly, over the Marſhes: But in the memory of man it hath not been Dammed; neither can we preſent who ought to do the ſame.

There is alſo another Fleet, called **Ground fleet**, upon the VVeſt ſide of **Ewe marſh**, and the Marſh of Mr. *Judde*, which containeth in bredth 5 rods, and in depth *xvi* foot, within the levell ſoyl; which Fleet was never dammed within the memory of man.

There is alſo another Fleet on the VVeſt ſide of Mr. *Judd's* Marſh, and the Marſh of *Edmund Riches*, that is in bredth four rode, and in depth *x* foot; which likewiſe within the memory of man was never dammed: which ſaid Fleets, in our opinions, are great occaſions of wearing away the Marſhes there.

There is alſo a paſſage, way, or Chaſe on the VVeſt ſide of **Ewe marſh**, which is called **Waterleſe diche**; and on the Eaſt ſide of Mrs. *Rachell* and *Anne Deane*, and the Marſh of *Nicholas Judde*: Which Chaſe is not maintained with Damms,

as

as within the memory of man it hath been, to the damage of the Marſhes; but who ought to do it, we are ignorant.

13 } *Nihil.*
14 }

15 We ſay, that in our opinions, it were very convenient, that the Marſhes of **Terington**, **Tylney**, and **Clenchwarton** were imbanked, and made Inmarſh, for the better preſervation of the ſaid Towns.

Ex parte Walpole. 1 We ſay, that there is in **Walpole** a Sea-bank, containing in length three miles; extending from *S. Ellens* Chapel, next **Terington**, unto **Nobech gate**, in **Walton**, which Bank, before the firſt and ſecond days of *November* laſt, was in ſo ſufficient repair, as ever it was within the memory of man: And now, by the rage of the Sea then hapning, there were made *xx* breaches in the ſaid Bank at the leaſt: And the reſidue ſo rent and torn, as the making up and repairing of them, hath and will coſt a thouſand pounds. Marſh-land.

2 We ſay, that in the ſaid Town, by reaſon of the ſaid outrage, there is loſt in Corn ſowen *DC.* Acres, to the damage of 900 l.

Item, in Meſſuages and Cottages eight; ſome carryed away clean, and the reſt uninhabitable, to the damage of 100 l.

Loſt in Horſes, great Beaſts, and Sheep, to the value of ——— 400 l.
Loſt in Corn, Barns and Stacks, to the value of ——— 200 l.
Loſt in Hay, in ſtacks to the value of ——— 200 l.
In Graſſe in the fields 3000 Acres, to the value of ——— 100 l.
In VValls, and Fences, ——— 50 l.

Ex parte Walton. 1 We ſay, that there is a Sea-dyke, which defendeth the ſaid Town, extending from **Nobeche gate**, unto a place called **Newgate ſtowe**, containing in length two miles and a half: which Banks we ſay, before the firſt and ſecond day of *November* laſt, were in very good repair: And by the outrage of the Sea, then happening, there were made four breaches; and the reſt of the ſaid Banks were ſo ruinated and torn, as the making up and repair thereof, will coſt *CC* l. But we ſay, that the waters, which came in at the breaches in **Walſoken**, did drown us more, than the waters, which ran over our Banks.

2 We ſay, that there was loſt by the ſaid outrage, *viz.*

Corn ſowen, *CC* Acres, to the damage of ——— *CC* l.
Hay in Barns and Stack, to the value of ——— *C* l.
Graſſe in the fields, to the value of ——— *Cxx* l.
Cattel of all ſorts, to the value of ——— *xx* l.
Corn in Barns and Stacks, to the value of ——— *Lxxx* l.
And in Houſes, Bridges, VValls, Gates Houſhold ſtuff, and Firing, to the value of ——— *Cxxx* l.

11 We ſay, that there be two antient High-ways, over the Sea-bank, there, into the Town, being the uſual paſſage for VVool-Carts and droves of Cattel, in great abundance coming over the River at **Walton dam**: which, Carters, be the Bank never ſo ſufficiently made, will cut down the ſame for their more eaſie paſſage: And the droves of Cattel do continually wear them down, to the great damage and yearly charge of the Town: In relief whereof we pray, to have ſome reaſonable Toll granted to the ſaid Townſhip, to be taken of the ſaid Carts and Droves.

Ex parte Walſokne. 1 We ſay, that the Sea-dyke belonging to the ſaid Town, containing three miles in length, beginning at **Newgate ſlow**, next **Walton**, and extending to the Sea-dike of **Emneth**: which before the firſt and ſecond days of *November* laſt, were very ſufficient and good, and able to defend any floud, that did ariſe more than *viii* foot above the ſoyl of the Marſhes adjoyning, other than in ſuch High-ways, as are ſpecified in the anſwer to the *xi*th Article, following. In which ſaid Bank, by the rage of the Sea then happening, there were made ſeven great breaches; and the reſidue of the ſaid Bank ſo torn, as that

Marſh-land. that the making up and repair thereof will coſt *CCCLx* l.

2 VVe ſay that there was loſt by the ſaid outrage, *viz.*

In Corn ſowen in the fields, and in barns, to the value of ——— 500 l.
In Graſſe and Hay, to the value of ——— 3000 l.
Cattel of all ſorts, to the value of ——— 100 l.
In VValls, Bridges, VVood and Firing, to the value of ——— 060 l.

11 We ſay, that there be three antient High-ways, over the Sea-dyke, into the ſaid Town (leading to the Market of **Wyſbeche**) which are too low by ſix foot, for ſuch an outrage as then happened.

And that there be eight other Cart ways, made over the ſaid Sea-dike, by private men into their grounds, which alſo muſt be heightned.

Ex parte Emneth. 1 VVe ſay, that there is a Sea-dyke, which defendeth the ſaid Town, extending from **Walſokne** Sea-dyke, unto **Barſted ſtyle**; which in divers places was not ſufficient againſt ſuch an outrage as hapned on the firſt and ſecond days of *November* laſt paſt, and will coſt the making and repairing *xl* l.

And we ſay, that *CCCC.* Acres or thereabouts in the ſame Town, were drowned with the waters, which came in at the breaches in **Walſoken**, and did fall over a Dyke, called **Long dyke**, into the ſaid Town of **Emneth.**

2 VVe ſay, that there was loſt in the ſame Town, in Corn, Graſſe, and Hay, to the value of *L* l.

And that the making and repairing of certain Banks defenſive, againſt the waters there now lying, hath and will coſt *Lx* l.

An Abſtract of the loſſes in general, as they were preſented by the Jurors of ſeveral Hundreds, at the Seſſions of Sewers held at **Lynne**, 9 Decemb. *An.* 1613.

VVithin the Ring of **Marſhland.**

Terington	10416 l.
Walpole	03000
Weſt Walton	00850.
Walſoken	01328.
Emeneth	00150.
Wigenhall and **South Lynne**	06000.
Tyney and **Iſlington**	04380.
Clenchwarton	06000.
Weſt Lynne and **North Lynne**	04000.

The total 35834 l.

VVithout the Ring of **Marſhland.**

Gaywood	205 l.
South Wootton	313.
North Wootton	810.
Watlington	500.
Totnell, *cum* **Wormgays**	060.
Holm, *cum* **Thorpland**	040.
Stow-Bardolf	100.

The total 2028 l.

The total of both 37862 l.

After

After which Preſentment ſo made, as hath been ſhewed, the ſaid Commiſſioners did in *Januar.* * following, direct their Letters [y] to the Lords of the Council; ſignifying, that they had taken a view of the breaches made by the fury of the Sea in the Banks of **Marſhland**, the chiefeſt whereof were thoſe of **Tirington**; which being a Frontier Town was very ingeniouſly fortified, not only with Banks of extraordinary height and thickneſſe; but with two mighty Brick Walls, armed and defended with piles of Wood-ſhoves, and other deviſes, of as much hope, as the wit of man, according to the ability of the people, could invent: and that within theſe *xvi* years, the ſaid Town had expended 20000 l. upon the ſame. And moreover, that the two Indikes, which had been reared behind the ſaid walls, for ſecuring the Town, in caſe theſe outer walls ſhould fail, were by this terrible breach, ſwept all away.

* An. 1613. (11 *Jac.*)

[y] Ib. f. 233. 2.

And therefore, though the ſaid Indikes were already repaired again, and ſufficient to reſtrain the ordinary tides; yet the ſafety of the Country was not to be committed to them. In conſideration whereof they further certified, that they thought it fit a new Bank ſhould be raiſed, of an extraordinary skantling, neerer to the Town by ſix hundred Acres, in a place of better advantage; and to be in bredth at the bottom fourſcore foot, and in length about two miles, with thickneſſe and height proportionable: But foraſmuch as the chardge would be inſupportable for the Inhabitants of the ſaid Town, and that no Law of Sewers could compell them thereto; and foraſmuch as the King was Lord of the ſame Town, which is likewiſe the Key and ſafety of other Towns of his Majeſties adjoyning, they humbly prayed, the furtherance of the ſaid Lords to the King, to take care and conſideration of them therein. Dated at **Kings Lynne** 20 *Jan.* 1613.

And to adde to theſe loſſes, ſuch were the Snows that fell in *January* and *February* enſuing, which occaſioned mighty flouds from the Upland Countreys, upon their going away, that a great part of this Country was [z] overflowed with the Freſh waters; *viz.* from their Bank called the **Edge**, between their Towns and the **Smethe**, unto the new **Po Dike**, through divers breaches between **Salters lode**, and **Dounham** bridge.

[z] Ex inſcript. ſuper parietem, in Eccleſiâ de Emſe-dyche.

Marſhland.

Moreover, about four years after (*viz.* 15 *Aug.* 1618 (16 *Jac.*) the Inhabitants of this Country, and parts adjoyning, exhibited a Petition [a] to the Commiſſioners of Sewers; ſhewing, that **Lynne** Haven was, through outragiouſneſſe of the tides, made much wider than formerly, and did put the Country to an exceſſive charge, in the reſtraining of its wearing more broad and deep: and therefore deſired, that they would take view thereof, and cauſe it to be ſtraightned according to the preſidents of former times, limiting ſuch freſh waters as did help to the increaſe thereof, unto their proper outfalls. The like [b] Petition did they prefer to the Lords of the Privy Council the 13th of *November* following. Whereupon there was this enſuing order [c] made by that honourable board; *viz.*

[15 & 16 *Jac.*]

[a] Ex præſ. cod. MS. penès præd. *O. S.* f. 245. b.

[b] Ib. f. 248. 2.

[c] Ib. f. 249. b.

That a ſpecial Commiſſion ſhould be directed unto certain Gentlemen, indifferently choſen out of all thoſe parts, together with the Mayor and ſome Aldermen of **Lynne**, *to conſider of the conveniencie or inconveniencie of the work; as alſo to what ſcantling it ſhould be made narrower, and the chardge thereof; and ſo to proceed therein: But to reſpite the executing of the ſaid Commiſſion, till according to the Law made in* Auguſt *before, for opening the Rivers of* **Ouſe** *and* **Nene**, *that work were done. But if there were delay in opening of thoſe Rivers, and complaint made unto the ſaid Lords thereof, ſome courſe ſhould be taken for their coercion; & for preſerving of* **Marſhland** *in the mean time; & alſo of the parts adjacent, from eminent danger.*

After this, *viz.* upon the tenth of *December* An. 1619. (17 *Jac.*) the Commiſſioners of Sewers ſitting at **Peterborough**; and having in conſideration the ſetting up of a Sluſe, at a certain place called the **Porſhoo**, ſuch was then the ſiding of the ſaid Commiſſioners, that the Jury became divided in opinion; ſo that nothing being done therein, they ſignified [d] as much to the Lords of the Council.

[10 *Dec.* 17 *Jac.*]

[d] Ib. f. 254. 1.

VVhereupon the Inhabitants of **Marſhland** exhibited a Petition [e] to that honourable board; imploring their care for the ſafety of that Country; and intimating, that the erection of that intended Sluſe, would be an apparent overthrow thereof.

[e] Ibid. b.

Marshland.

VVhich Petition occasioned the said Lords to write unto the before-mentioned Commissioners; by which Letters
f Ib. f.255. a. f they desired them to consider of the outfalls to the Sea, before they drew down the waters from the high Countries, that might oppresse Marshland and the low parts adjoyning, in the Counties of Lincolne and Norfolk; and wishing them, that in case they should differ in opinion, how these things might be best effected, to make choice of two Commissioners, out of each of their Counties, who might be instructed to give them true information of their differences; and that then they would endeavour to give such farther direction, as might best advance the publick good, with the least prejudice to the private.

Whereupon they met at Wisebeche, and appointed Mr. *Henry Kervill* and Mr. *Robert Balam*, with some others, to take view of the danger of this Country, on Tirington side, by the fretting of the Chanel, as it then ran, and to certifie. Who accordingly did view the same, and certified; that the Chanel of fresh waters, as it then ran, did very much hurt to Tirington and the whole Country of Marshland; and that by conveying more waters that way, the whole Country would be indangered: and therefore, for the beter safety thereof, they expressed, that they were of opinion, that a new Cut, made from the four Gotes, over Tyd and Sutton Marsh, unto King's Creeke, would be the best issue for those waters; the River Nene, being brought from Peterborough to Guyhyrne, between sufficient Banks, for the better grinding of the out-fall; and that the River should be cut straight from the Horshoo to the four Gotes.

And in a Session of Sewers, holden at King's Lynne 23° *Junii* 6to *Caroli*. recital being made; that whereas the Landholders of Elme Oldfield, in the Isle of Ely, at the like Session held at King's Linne 17 *Apr.* 8° *Jacobi*, obtained a Law, for the downfall of water in the said Oldfield Lands, through the outrinde Banks of Marshland, under certain conditions and limitations expressed in the said Law, and under the pain of xl^l^. by them to be forfieted to the Kings Majesty, his heirs and successors, in case they should take in any waters, out of any other fields in Elme or Welle; and the abuse in execution of that Law had been very hurtfull and dangerous to the Country of Marshland, and Town of Wigenhall, in their several Pastures and Fen-grounds, by reason of the abundance of fresh waters coming out of the said Field, at a Sluse made in Oldfield Bank, called Brokendike, more than the own waters of the said Oldfield did afford; for that there was no provision in the said Law, for stopping them up, if they should take in, or suffer any forein or other waters to come into the said Oldfield: For under colour and pretence of the said Oldfield waters, they took into the said Oldfield and Says field, other waters; and also other waters at the Sluse called Wildam, and put into their Oldfield fresh waters out of the River, for the filling of their Dikes; and so when any great rain fell, did put those warers into Marshland: and also, by means of not sufficient keeping and maintaining the River Banks against Oldfield at Lunges groves end, that the River waters did run into the field there, very extremely in wet winters, and most especially the winter preceding.

And that whereas at a Session of Sewers, holden at Beawford Hall, by Fryday bridg, 27° *Martii*, 9° *Jacobi*, by a Law of Sewers then and there made, the Land-holders and others of Waterfye in Elme, had a Drayn made from Fryday bridg in the Dyke of the North side of Needham dike, being the Fence-dyke of Oldfield and Say's field, and so to Welle, and from thence into the old Pow dike of Marshland, and so through the old Pow dike at Chamber's house in Stow; and so to the River of Ouse, with certain Sluses made upon the said Drayn, to stop and restrain the waters when they did arise and exceed the superficies of the grounds: By reason whereof, when the Sluse at Fryday bridge did run, and the Sluce at Welle River was stopt, the waters in the Drayn rose over the Dam, called the Stintings and Oldfield, and so ran into Marshland. For remedy whereof, and that the Landholders of Oldfield were at the making of the said Law tyed to no conditions of restraint or stopping; which they then conceived fitting, by reason the said Walterfy drayne (which was not before

before thought of ran within their field, and did overflow the Banks, and fill their Dikes with water, which came into **Marshland**, contrary to their Law; and by reason that they in Summer time took in waters to fill their Dikes, which they might spare to take, if they would dike them, and make watering places for their Cattel, as **Marshland** did; it was therefore ordered, that the said Land-holders of **Oldfield** should passe and run their said waters therein, under such conditions, and with such cautions, as by the Law of Sewers, the Land-holders on the West side of **Eime**, and South side of **Wyseveche** did, and not otherwise, under and upon such pains and penalties, as in that Law is contained. **Marsh-land.**

Ex cod MS. penes *Kicardum Atlyns* de **Dut-well** in com. *Norff.* Gen.

The number of Acres in the several Towns of **Marshland.**

	Acres.	Rodes.	
West Lynne.	*CCxlviij.*	*xij.*	Sum total in the Franchises and Geldable. *xxviiM viiC xxxix* Acres.
Clenchwarton.	*xvC lx.*	*i.*	
Tyney.	*vM viiiC xi.*	*iij.*	Sum in the Liberties, viz. **Terington, Walpole, Walsoken, Walton, & Emneth.** *xvM iiiiC xxvij* Acres, *i* Rode.
Wigenhale.	*iiiM viiiC xi.*	*iij.*	
Terington.	*iiiiM iiiC xxvi.*	*iij.*	
Walpole.	*iiiiM viiC xxvij.*		
Walton.	*iiM iiiiC xlv.*	*ii*	
Walsoken.	*iiM viiC v^{xx} i.*		Adde **Tyney**, and **Clenchwarton** thereto. *xxiiM viiC xxxix* Acres.
Emneth & Hawked.	*iiM ixC vi.*		

An Agistment of the new **Powdike**, from **Saltham lake**, by **Pullycourt**, to **Northdelfe**, according to the Books and Rolls of the Country, containing *iiiiC Lxiii.* Rode, and *ii* Foot, divided thus.

Emneth, and Hawked.	*xli* rode, *iii* foot, *ii* inches.
Walsoken.	*Liii* rode, *iii* foot, *ii* inches.
Walton.	*xlvi* rode, *xi* foot.
Walpole.	*XC* rode, *iiii* foot, *vi* inches.
Terington.	*Lxxxii* rode, *x* foot, *x* inches.
Clenchwarton.	*xxix* rode, *ix* foot, *iii* inches.
Tyney.	*v^{xx} xii* rode, *x* foot, *ix* inches.
West Lynne.	*v* rode, *i* foot.
Wigenhall.	*iii^{xx} xii* rode, *xiii* foot.

From **Northdelfe** to the hundred Acres charge, are *v^{xx} xli* rode, *vi* foot, *iiij* inches; divided thus.

Emneth, with Hawked.	*xlix* rode, *viii* foot, *i* inch.
Walsoken.	*iii^{xx} iii* rode, *xvi* foot, *vi* inches.
Walton.	*Lvi* rode, *i* inch.
Walpole.	*v^{xx} viii* rode, *vii* foot, *ix* inches.
Terington.	*iiii^{xx} xix* rode, *iiii* foot, *ix* inches.
Clenchwarton.	*xxxv* rode, *ix* foot, *xi* inches.
Tyney.	*v^{xx} xv* rode, *vi* foot, *i* inch.
West Lynne.	*v* rode, *viii* foot, *xi* inches.
Wigenhall.	*iiii^{xx} vii* rode, *viii* foot, *iii* inches

Marſh-land. The old Powdich, containing ..... Agiſted thus.

	Rodes.	Foot.	Inches.
Emneth and Hawſted.	*Lxvi.*	*viii*	*iii.*
Walſokne.	*iiii*[xx] *xviii.*	*xii*	*viii.*
Walton.	*iiii*[xx] *vi.*	*viii.*	*v.*
Walpole.	*vi*[xx] *viii.*	*ix.*	*o.*
Terington.	*vii*[xx] *xiii.*	*v.*	*x.*
Clenchwarton	*Lv.*	*o*	*iii.*
Tylney.	*x*[xx] *ix.*	*ii.*	*o.*
Wigenhale.	*Cxv.*	*ii.*	*ix.*

Note, that the true ſum of this, is *viiC ix* Rode, *xlix* foot, and *iii* inches. Of which *xlix* if there be allowed *xvi* foot *ii* inches to a Rode (as is ſet down under Mr. *Beaupre's* hand) then is the ſum *viiiC xii* Rode, and *ix.* perches.

The little Powdich, containing *CCCxliii.* hath agiſted thereon *xxiiiM viiC iiii*[xx] *vii* Acres, and *iii* Rode; every hundred Acres cometh to a Rode, *xi.* foot two inches, a half, and a Barley-corn; which is the third part of an Inch. Agiſted thus.

	Rods.	Foot.	Inches
Tylney.	*iiii*[xx] *xvi.*	*xii*	*o*
Clenchwarton.	*xxv.*	*xiii.*	*vii.*
Terington.	*Lxxiii.*	*vi.*	*vii.*
Walpole.	*Lxxx.*	*iiii.*	*o.*
Walton.	*xli.*	*iiii.*	*o.*
Walſoken.	*xlvii.*	*viii.*	*vi.*
Emneth and Hawſted.	*xxxvi.*	*viii.*	*ix.*

The Ward dich, from Wel gate, to Sandywood, belonging to the Fraunchiſes, with Tylney and Clenchwarton, containing *viii*[xx] *xviii* rode, *xv* foot. Agiſted thus.

	Rods.	Foot.	Inches
Tylney.	*xliiii.*	*iii.*	*o*
Clenchwarton.	*xi.*	*x.*	*o.*
Terington.	*xxxii.*	*vi.*	*vi.*
Walpole.	*xxxv.*	*vi.*	*vi.*
Walton.	*xviii.*	*iiii.*	*vi.*
Walſoken.	*xv.*	*xiiii.*	*o.*
Emneth, with Hawſted.	*xvi.*	*ii.*	*vii.*

Bykendike Agiſtment.

From Kyrkham lane, to the turning againſt Mr. *Blewick's*, containeth ..... Rode; and is agiſted *iiii*[xx] Rode, from the middle of Wildam, towards the houſe of the ſaid *John Blewick:* To the which there is laid Tilney, Terington, Walpole, Walton, Walſoken, and Emneth, containing *xxiiM CC xxxix* Acres. So every Acre hath almoſt two inches. Every thouſand and *iii*[xx]. *xii* Rode, *v* foot, *v* inches, and two Barly-corns. *iiM Cxxiiii* Rode, *x* foot, *xi* inches and *i* corn.

iiiiM CC hath *xlix* Rode, *v* foot, *x* inches *ii* Barley-corns. Every hundred and *vi.* Acres, hath a Rode, *iii* foot, *ix* inches. Every *Lxiii* Acres hath *ix* foot, *x* inches and a half.

	Rods.	Foot.	Inches
Tylney.	*Lxviii.*	*ii.*	*o*
Terrington.	*xlix.*	*xi.*	*x.*
Walpole.	*Lv.*	*vii.*	*vii.*
Walton.	*xxviii.*	*x.*	*viii.*
Walſoken.	*xxxii.*	*x.*	*viii.*
Emneth and Hawſted.	*xxv.*	*iiii.*	*iii.*

From Emneth bridge, between the Town and the Smethe, be *xiiiiC xv* Rodes, which be thus divided.

	Rods.	Foot	Inch.
Emneth, with Hawſted.	*Cxxx.*	*viii.*	*o.*
Walſoken.	*CLxviii.*	*xi.*	*o.*
Walton.	*Cxlvii.*	*xi.*	*iii.*
Walpole.	*CCLxxx.* *vi*	*ii.*	*iii.*
Terington.	*CCLxi.*	*xiii.*	*vi.*
Wigenhall.	*CCxxxviii.*	*o.*	*vii.*
Tylney.	*CCCLvi.*	*xv.*	*vi.*
Clenchwarton.	*iiii*[xx] *xiiii.*	*o*	*viii*
Weſt Lynne.	*xv.*	*ii.*	*vi.*

Drayns

Marshland.

Drayns and Bridges lying within the precincts of the several Towns of Marshland.

Emneth.

A Drayn there, belonging to certain Fields, called **Sukfield** and **Haulsted**; extending from the common Sea dike, called **Emneth** Sea dyke, on the West part of the same Field; and from thence to a place called the **Stylpes**; at which place the said Drayns do meet, and from thence into the Fen. Which Drayns ought to be in bredth *ix* foot, and in depth *v* foot.

Another Drayn, belonging to **Churchfield** and **Northfield**; extending from a place called **Seadike-dole**, to a place called **Knape moze**; and from thence Eastwards, towards **Whicks brigg**, and so to **Myd feder**, into the **Smethe lode**, which is the common Drayn of all **Marshland**.

Another Drayn, belonging to **Newfield**; extending from **Hallow crofts** on the West, and so to **Poxts bush**, on the East; thence to **Hawkyns brigge**, and so to **Hungate dyke**, to a place called **Romans land** corner; and so into **Smeth lode**.

Bridges.

Over the first of these Drayns are three Bridges; the one at a place called **Lonhole**; the other at the end of the Drayn; and the third between **Ladyes dzove**, and the **great Dzove** of **Emneth**.

Another Bridge situate at the North stile of **Emneth**.

Another, called **Knapmoze bridge**, set over **Churchfield** Drayn.

Another, called **Whicks bridge**.

Another, called **Little Edge bridge**.

Another, called **Hawkyns bridge**, lying over **Newfield drayn**.

Walsoken.

A Drayn there, called the **Main Drayn**, extending from **Holmes bridge**, on the North part of the Town, to the common Sewer called **Smethe lode**.

Another Drayn, on the South side of the Town; beginning at **Smal lane** in **Larke lande**, and extending to a Bridge called **Bzonden bridge**; and so to **Knapemoze lane bridge**; and thence to the **Smethe lode**.

Bridges.

Holmes Bridge.

Boxret bridge, situate over the main Drayn.

Bayes Bridge, upon the same Drayn.

Another Bridge at **Small Dzoves** end.

Walton.

THe old Drayn, extending from **Clynkhyrne** on the North part, and abutting upon **Newland lane**, on the South end.

Another Drayn, extending from **Crosse-green**, by **Halchyrne**, to a place called **le Pates Wall**, at the foot of **Walton** Sea dike; and thence to **Gybson's bridge**.

Another Drayn, beginning at **Gibson's bridge**, and thence to the **Smethe lode**.

Bridges.

Gybson's bridge.

Old fen dich bridge.

Marſh-land.

Terington.

THe common Drayn, extending from **Fawkesfield** to **Orhow boyde**, and from thence into the **Smethe lode**.

Another Drayn extending through the ſame Town unto the **Smethe lode**.

Bridges.

One Bridge, over the common Drayn, at **St. Johns lane** end.

Another at the **Old fen dich**.

A third (ruinous) adjoyning to the common Sewer, called the **Smethe lode**.

Tyney, with the Hamlets.

THe **Mere dich drayn**, beginning at **Tungreen bridge**, and ſo going to **Wyndbrigge**.

Read's Drayn, beginning at **Ryſgate**, and extending to the Common Sewer.

The **Fen dich drayn**, beginning at the Weſt end of **Tyney drove**, and extending to **Pollets gool**.

Another Drayn, beginning at the Weſt end of **Meeres green**, and ſo extending to **Creydike**; from thence to **Fryth dich gole**, and ſo into the main River.

Another Drayn coming out of **Spellow field**, and ſo over **Meyres green**, to **Meyres green Drayn**.

Another, called **Black dich**, lying from **Terington** to **Iſlington** Fen end.

Bridges.

Five Bridges upon **Moredich drayn**; whereof two are in **Sale yate**, a third called **Tungreen bridge**; another called **Moredich bridge**, and the fift at the end of the ſaid Drayn.

Another Bridge at **Rylegate**.

Another adjoyning to the Common Sewer.

Another Bridge, called **Fen dich bridge**.

Another Bridge, called **Pollets gool** bridge.

Another called **Poyſe gole** bridge.

Another called **Meyres green** bridge.

Another at **Dodale fedham**.

Another called **Meyres dich** bridge.

A Cauſey, called **Iſlington droves end**, lying between the Bridges of **Iſlington** and **Wigenhall**.

Wigenhall.

A Drayn that beginneth at **Crow gool**, and extendeth to **New land gate**; thence to **Barnwell Cloyt**; thence to **Cowſtow pipe**, and ſo to **Raynham gool**.

Another, called **St. Peters dich**, leading from **Iſlington** bridge to **Weſt fen lode**.

Another, called the **High fen dich**, leading from **Cowſtow** to **Pykers hyne**; thence to **Hel bottom**, and ſo into the main River.

Another called the **Peddings**, beginning at **Pykers hyn**, and thence extending to **Hel bottom**.

Another, called the **Boyder**, extending from **Wygenhall mere** to **Pykers hyne**.

Another, lying from **Wigenhall mere** to **Scales corner**, & ſo forth to **Newfield heddyng**, between the **Spade gonge** and **Iſlington** drove.

Another, called **Simons lode**, extending from a place called the **Senſton**, *alias* the **Hook**, and thence to **Symons-lode gool**.

Another, called **Croſſe lode**, extending from the **Hook**, to the main River.

Another, called **John's lode**, extending from the ſaid **Hook**, unto **John's-lode gool**.

Another, called **Buſtard's lode**, which extendeth from the ſaid **Hook**, unto **Buſtard lode gool**.

Another, called **Giggs lode**, extending from a place called the **Lowe way**, to the **Gool** head, at the main River.

Another Drayn, coming from **Weſt fen dich** to **Giggs gool**.

Another called **Martin drayn**.

Another called **New dich**; beginning at the Weſt part of the Common, belonging to **Stow Bardolf**, **Wynbotesham**, and **Downham**, and extending to the main River.

Another

Another Drayn, lying in Stow-Bardolf, from a place called Weſt head, into the main River.

A Dike belonging to Dounham, which extendeth from Dounham bridge, unto the chardge of the C. Acres of Stow Bardolf, lying at the new Powdich.

Bridges and Cauſeys.

Gillingore bygge.

A Cauſey, called called Wigenhall mere, extending from the old Pow dike to Black dich.

A certain Cauſey, called Low ſide.

A Common Cauſey, called Stow bynke, extending from a place called Scapwere, unto the Common gate.

Memorandum, that the Ward dich, called the Little Pow dich, ought to be repaired by the Townſhips of Tylney, with it's Hamlets, Terington, Walpole, Walton, Walſoken, and Emneth.

Marſh-land.

A note of the Chardges, which do yearly belong to Marſhland, *being but eight Towns.*

Inprimis, in the High ways for Travellers, there are xxv Bridges, valued in their reparations, yearly at —— C l.

Item, there is in the other ways of the Countrey Lxxx Bridges, and five Gooles, (without which the Country is neither habitable nor paſſable) valued yearly for reparations at —————— DC l.

Item, there are two other Gooles, very great ones, with Drayns into the River of Ouſe; one called Knight's goole; the other the New goole, valued yearly for reparations at —————— CC l.

Item, the Sea-Banks of the Countrey, valued yearly for reparations, at -- M Ml.

Item the Pow dikes; the one called the New Pow dike, and the other the Old Pow dike, which be defenſive Banks againſt the freſh waters; valued yearly for reparations at —————— C l.

The total 3000 l.

CAP.

CHAP. XLV.

HAving no more to say of **Marshland**, I shall next take notice of the remainder of this Country, lying Eastwards from the River **Ouse**; and then of those parts of **Suffolk**, wherein any improvement hath been made by Banking and Drayning.

[a] [b] Pat. 55 H. 3. m. 12. in dorso. In 55 *H.* 3. complaint [a] being made, that about seven hundred acres of Marish and other Lands, belonging to *William Bardolf*, and the Prior of **Wyzmyngey**, lying in **Wyzmyngey** and **Tokenhull**, were then overflowed more than formerly; partly by inundations from the Sea, and River of **Secchehithe**; and partly by the making of Pools and otherwise; so that the said Prior had received very much damage thereby. And that there was a certain Causey lying in the proper soil of the said *William*, overthwart the said Mannours (which Causey was the Kings High-way to **Lenne**) through the midst whereof a certain stream of water passed behind a Mill; And that the said *william*, and his Ancestors, having permitted the people of the Country, for their common benefit to raise the same Causey in the Winter season; the said stream of water, which had wont to have it's course through the midst of it, as aforesaid, was thereby so stopt, that it overflowed all the lowgrounds therabouts: the King therefore, being desirous that there should be some remedy had therein, granted a Commission [b] to *John de Cokefeld*, to enquire the truth thereof; and how and in what manner those Marish grounds might be drayned, with the least damage to the Country.

[c] [d] Pat. 5 E. 1. m. 12. In 5 *E.* 1. upon the like complaint [c], that the course of the River at **Wirmegay**, had been so obstructed by the frequent inundations of the Sea, that two thousand Acres of Land, Meadow, and Pasture, lying in the Marshes of **Middleton** and **Wirmegeye**, were drowned; the King assigned [d] *Raphe de Wyrham* and *Will. de Midleton*, to enquire thereof, and how they might be so drained as aforesaid. And in 22 *E.* 1. *Peter de Campania*, and *Adam de Shropham* were constituted [e] Commissioners for the view and repair of the Banks, Ditches, and Sewers of **Middelton**, **Rungetone**, and **Sechithe**, then ruinous and in decay, by reason of the Tides and flouds of fresh water. [e] Par. 22 E. 1. m. 28. in dorso.

Other general Commissions, of the like nature, were afterwards issued out; both in this King's time, and K. *Edward* the second's, *viz.* in 35 *E.* 1. to [f] *William de Carleton*, *Will. Howard*, *Giles de Mounpinson*, and *John le Bretun*. [f] Pat. 35 E. 1. m. 9. Et m. 42. in dorso.

In 1 *E.* 2. to [g] the same *Will. Howard*, *John le Bretun*, and *Thomas de Ingoldethorp*. In 2 *E.* 2. to [h] *Henry de Staunton*, *John le Bretoun*, *Richard de Walsingham*, and *Thomas de Ingoldesthorpe*. [g] Pa. 1. E. 2. p. 2. m. 23. in dorso. [h] Pat. 2. E. 2. p. 1. m. 22. in cedula.

In 6 *E.* 2. to [i] *John de Thorpe*, *Richard de Walsyngham*, and *Thomas de Snyterton*, for the view of all the Banks, Ditches, Sewers *&c.* in the Hundreds of **Frethebrigge** and **Clackelose**. [i] Pat. 6 E. 2. p. 1. m. 2. in dorso.

In 10 *E.* 2. to [k] *John de Milford*, *Robert de Maddingle*, *William de Corton*, and *Simon de B.....* for those in the same Hundreds. [k] Pat. 10 E. 2. p. 2. m. 10. in dorso.

In 15 *E.* 2. upon a Session [l] of Sewers held at **Tirington**, by Sir *Thomas de Ingaldesthorpe*, *John Fytton*, *John de Hotot*, and *Will. Bataile*, the Jurors presented upon Oath, that the Causey of **Watlington**, called **East wodiche**, extending from **Burkenne** to **Polberdiche**; and another Causey in the same Town, called **Polberdiche**, reaching from **East wodiche** to the **Eebrynke** of **Wigenhale**, ought to be raised in every low place, so as it might be made equal with the highest; and to be six foot in bredth, throughout, at the top. And likewise, that the **Eebrinke**, at the River of **Wigenhale**, [l] Plac. coram Rege term. *Mich.* 15 E. 2. Rot. 22. *No. ff.*

genhale, ought to be raiſed in every place, from **Pulberdiche** to **Gerys dam**, ſo as it might be full two foot higher than the higheſt Water-mark, which was in the thirteenth year of the ſaid King *Edward* the ſecond's reign: and to be ten foot broad at the top. And that the Cauſey of **Watlington**, called **Gerys dam**, be raiſed to the ſame Levell as it then was in the higheſt place; and to be *xvi* foot in bredth at the top.

And they ſaid, that the Sewer in the **Coznken** of **Watlington**, lying betwixt the Lands of *William Chaplein*, and *John Saunfoly*, on the North part; extending it ſelf from the **Meadow gate** to the **Broad beche**, ought to be ſcoured; and a Bridge of three foot in bredth, and as much in height, made over the ſame, in the way of **Broad beche**; ſo that the water might run under the ſame, without the South ſide of the **Beche**, into the **Pending**, Weſtward, untill it ſhould come to *Will. fitz Thomas*; & there divert the water through the midſt of the **narrow Beche** to **Skindeſledyche**; & then to run in that Ditch unto the Kings High way; & there a Gutter to be made 3 foot broad, & 3 foot high, through the midſt of the Kings high way, and ſo to run in the Ditch, betwixt the land of *Roger Heſtings* and *Maud Skindwell*, till it come to the **Eebzynke**; in which place there ought to be a Gutter made, three foot in bredth, and as much in height, through the midſt of the ſaid **Eebzynke**; through which the water might paſſe to **Wigenhale**. And that the ſaid Sewer be clenſed throughout, ſo that it might contain eight foot in bredth.

And they ſaid, that the Gutter called **Jureſgole** and **Goſeygole**, with the Gutter running through the midſt of the Kings High way, oppoſite to the other, ought to be enlarged, each of them to the bredth of one foot, and as much in height. And that the Sewer, extending it ſelf from the Kings High way to the before-ſpecified Gutters, called **Jureſgole** and **Goſeygole**, ought to be ſcoured and enlarged, to the bredth of ſix foot. And, for the repair and enlarging of thoſe Cauſeys and Sewers, that land ſhould be purchaſed in ſome place; every acre, ſo imployed, to be eſtimated at 5 Marks.

And they ſaid, that all the before-mentioned Cauſeys, together with the **Eebzynke** and Sewers aforeſaid; with the Bridges and Gutters, ought to be made, repaired, inlarged, and clenſed, as often as need required, at the chardge of thoſe which held Lands or Tenements in the ſaid **Coznken** of **Walington**, betwixt the ſame Cauſeys or elſwhere, each man to be aſſeſſed according to the proportion of what he held; and according to the benefit and ſafeguard which he had thereby. And that there were in the field of **Coznken**, betwixt thoſe Cauſeys, four hundred and fourſcore Acres, and one rode of land.

And they ſaid moreover, that the Sewer in the **Coznken** of **Watlington**, extending from **Eaſtwodiche** unto **Meadow gate**, betwixt the arable lands, meadows, & Sewers on the Weſt part of **Meadow gate**, from **Watlington Hall meadow**, Southwards, unto the **Dam**: and the Sewer from the Lake at the **Thwartbek**, towards the South, betwixt the **Flegeſter** and the Common; and Weſtwards toward the **Meadow gate**, on the Eaſt ſide of the **Meadow gate**, Northwards to the **Meadow gates** end. And the Sewer on the Eaſt part of the **Beche**, from **Polbereldich**, Southwards, to the Gutter paſſing through the midſt of **Thurlanegate**, betwixt the **Beche** and the **Hedlondole**. And the Sewer from the **Calkecotecroft**, Southwards, betwixt the **Reyndole** and **Thurlongpythils** and **Foxkeſcroft**, to the **Cheker**. And the Sewer from the **Thurlongpigytels**, Southwards, betwixt **Thurlongate**, and the Lake to the **Dam**. And the Sewer from the Gutter, paſſing through the midſt of **Thurlongate**, Weſtwards, to **Wigenhale croſts**, betwixt the Dam and **Dich furlong**. And the Sewer from the **Dam** to **Wigenhale croſts**, and the **Dich furlong**, & the **Beche**, Northwards, to **Skindeleldiche**. And the Sewer on the Eaſt part of the Kings High way, from the **Dam**, Northwards, unto **Polberdich**, ought to be clenſed as often as need ſhould require (ſo that the water coming into thoſe Sewers, might paſſe without any impediment) at the chardges of thoſe perſons which have lands abutting upon them. And that every Sewer ſhould be ſix foot in bredth.

And they ſaid, that the Cauſey in **Newland** and **Watlington**, on the South part of **Gerys Dam**, ought to be raiſed from the land of *Robert atte Dam*,

Eastwards, unto the meadow of *Peter fitz John*. And that the Causey frō **Gerys dam** to **Geylode mowe**, lying at the East had lands in the **Newland**, ought to be raised in every low place as much as where it was then highest; and to be six foot in bredth at the top. And that the said Causeys ought to be made at the chardges of those, which have lands in **Newlond quilot**, according to each mans proportion, and the Commodity and defence which they have by them. And they said, that the Gutter in **Newlond**, through the midst of **Ee brynke**, betwixt the lands of *Will. Lucas*, and of *Maude* the Daughter of *John Geylode*. And the other Gutter, lying betwixt the land of *Will. de Clenchwarton*, and the land of *Thomas* the Son of *Rich. atte Greene*, ought to be enlarged, as aforesaid. And another Gutter, lying betwixt the land of *Thomas Bennyng* ought to be enlarged: As also another Gutter, lying betwixt the Messuage of *Will. Seaman*, and the Messuage of *Clarice* the Widow of *Henry*. And likewise another Gutter, lying betwixt the land of *John Leff*, and *Peter Heward*: And another, lying betwixt the land of *Will. fitz Thomas*, called **Wadys**, and the land belonging to the heirs of *Thomas Bond*: And another, lying betwixt the land, between the **Biggecroft** and the Messuage late *Peter Mountfords*.

Also, that the **Ecbrynke** at the River of **Wygenhale**, from **Geyrys dam** to **Geylode mowe**, ought to be railed two foot above the high Water-Mark, as it was in the *xiiij*th year of the reign of K. *Edw.* the second: and to be ten foot in bredth at the top. And the said **Ee brynke** to be made & maintained at the charge of the landholders in **Newlond** & **Watlington**. And that all the **Ee brynks** in **Watlyngton** be made and repaired, before the days assigned by the *Dichgreves*, upon penalty of *Bylaw*, which is for every perch *xii*^{d}. And that all the Banks in the said Town, for defence against the fresh waters, be likewise made according to the days assigned by the *Dichgreves*, upon the like penalty of *Bylaw*, which is for every perch *vi*^{d}.

And they said, that all the Sewers and Gutters in the **Coynfen** and **Newland**, ought to be made before the days so likewise assigned by the *Dichgreves*, according to the Ordinance made before the Justices, upon penalty of the *Bylaw*, *viz.* for default of every perch *iij*^{d}.

Also, that the Custome of **Marshland** is, that they who ought to make or repair their Banks, shall be warned to do the same by a certain day; and that if they fail therein, then that the *Bylaw* shall be levyed upon them.

And they moreover ordained, that all such as had *Stowes* lying in their Sewers any year, or after the Feast of *All Saints*, should pay to the *Dichgreves* for every such transgression *vi*^{d}. And, that all the Tenants and Commoners in **Watlington** should meet twice in the year, and hold the Customes of **Marshland**. And that there should be chosen from year to year certain Bayliffs, which are called *Dichegreves*, who may have power, on the Kings behalf, to distrain the offenders, both within and without their houses, by all their Goods and Catals found in the said Town. And that whensoever those *Dichgreves* should find any Hoggs rooting upon the **Ee brynk**, it should be lawfull for them to impound them, and to keep them so impounded till they shall receive three pence for every Hog. And that when any man is reasonably required to repair and maintain his said Banks, Ditches *&c.* and shall neglect so to do, so that his Goods and Catals are thereupon taken by the said *Dichgreves*, or their Deputies; the said *Dichgreves* shall receive for their pains in so distraining them, *i*^{d}. for each distress.

By another Inquisition [n] taken about that time, before Sir *Robert de Scales*, Sir *John de Fytton* and others, it appears; that the Jurors presented upon Oath, that the Inhabitants of **Watlington** and **Runcton holme** suffred great losses in the Common of Pasture belonging to those Towns, for want of Gutters and Sewers there. And they said, that the Sewer, which extendeth it self from **Wonyescroft** in **South old Ee**, Westwards, to the **Pirne croft**; and from the East end of **Pirne croft** into the Ditch, which is betwixt the Field, called the **Sight**; & from **Geylode mowe** directly to the **Ee brynke** of **Wigenhale**, ought to be amended & made deeper, so that the water running therin might pass without any impediment: and to be in bredth eight foot, for the whole length thereof. And that a Gutter should be made through the midst of **Pelbrynke**, in bredth three foot, and

and as much in height; through the midſt whereof, the water may run in **Wigenhale Ee.**

And they ſaid, that the ſame Gutter and Sewer at **Geylove Dove**, ought to be made, maintained, repaired, and cleanſed, as often as need ſhould require, at the charges of thoſe which had Common of Paſture, or that had Common betwixt **Gerys dam** and **Flemyngs hitte**, each man according to the proportion of what he held; and as they had benefit and preſervation by the ſaid Sewer. And that the ſaid Commoners ſhould every year meet at the **Old Ee**, on the morrow after *Trinity* Sunday; and keep the Cuſtomes of **Marſhland**. And for the performance of the premiſſes, there were choſen four Guardians by the ſaid Jurors.

In 7 *E.* 3. *John Claver*, *Robert de Welle*, *Thomas de Birſton*, and *Simon Coſtyn* were conſtituted [n] Commiſſioners for the view and repair of the Banks, Ditches, Sewers *&c.* in the Towns of **Wideton**, **Sechithe**, **Rungetone**, **Weſtwynche**, **Watlyngtone**, **Wirmegey**, **Shuldham** and **Pentney**, in this part of **Norfolk.**

[n] Par. 7. E. 3. p. 1. m. 11. in dorſo.

Upon a Preſentment in 37 *E.* 3. there was a Precept [o] directed to the Shireeve and *John Berney*, to enquire how the River of **Smal Ee**, came to be obſtructed; and who ought to ſcour it; as alſo what Towns had damage thereby.

[o] Plac. coram Rege term. *Mich.* 37 E. 3. Rot. 21. *Norff.*

By a pleading [p] in 41 *E.* 3, Sir *Hamond de Felton* Knight, then Lord of the Manour of **Danſey**, could not deny, but that he ought to clenſe the ſeveral waters running from **Gaywood** to the Sea, called **Danſeye hee**, which was then obſtructed: and that he ought likewiſe to make and repair a Bridge there, then ruinous: the Shireeve thereof had command to diſtrain him and his Tenants, both to clenſe the ſaid Chanel, and repair that Bridge.

[p] Plac. coram Rege term. *Mich.* 41 E. 3. Rot. 18. *Norf.*

In 44 *E.* 3. the Mayor, Aldermen, and Conſtables of **Lenne** were commanded [q] to view the Ditches compaſſing that Town; which, by reaſon of its ſituation upon an arm of the Sea, were through the ebbing and flowing of the Tides, filled up with mud and other filth, to the great damage of that Town: and to take courſe for the ſpeedy remedy thereof.

[q] Par. 44 E. 3. p. 1. m. 34.

In 4 *H.* 4. *John Hevenyngham*, *John White*, *Raphe Ramſey*, *Will. Sneteſham*, *John Clere*, and *Robert Marcham* had Commiſſion [r] to view the Banks, Ditches, and Sewers *&c.* betwixt the Town of great **Jernemuth** and the City of **Norwich**, on the one part; and the ſaid Towns of great **Jernemuth**, and **Bekles**, on the other; which were then in decay: with ſpecial direction to perform all things therein according to the Law and Cuſtome of this Realm, and thoſe parts of this County.

[r] Pat. 4 H. 4. p. 2. m. 31. in dorſo.

By an Indenture [s] tripartite, made in the Church of S. *German*, at **Wigenhale**, on the Feaſt day of *S. Mark* the Evangeliſt, in 11 *H.* 4. it appeareth; that the Abbot of **Dereham**, Prior of **Shuldham**, Prior of **Pentney**; *Robert Kervill* and *John Elwin*, Tenants of the Lands, lying on the Eaſt ſide of the River of **Wigenhale** aforeſaid; and the *xij* Jurors then in the **Sembet**, there; did, for themſelves and their ſucceſſors, with the conſent and aſſent of all the Land-holders on the ſaid Eaſt part of **Wigenhale**, and of the Hamlet of **Sadylbow**, grant unto the Prior and Covent of **Weſtacre**, and to the Prioreſſe and Covent of **Blackbergh**, and their ſucceſſors; as alſo to *Will. Campneys* and *Margerie* his wife, their heirs and aſſigns; that they the ſaid Prior, Prioreſſe, *William* and *Margery*, of their own proper coſts, might make a certain VVatercourſe, or Sewer, ſufficient for all the Lands and Tenements of the ſaid Prior and Prioreſſe, and their ſucceſſors; and of the ſaid *William* and *Margerie*, and their heirs and aſſigns, lying in the **Erles march**; *viz.* betwixt the **Erles dich** on the North part, and **Bond's dam** on the South ſide of **Grenedich**; ſo that by the ſame Sewer, the before-ſpecified lands might drayn, from time to time, whenſoever the ſaid Prior, and Prioreſſe, *William* and *Margery*, their heirs and aſſigns ſhould think fit. And that they ſhould have, enjoy, and maintain the ſaid Sewer ſo made, for ever, from a certain place called the **Erleſmarſh**; and ſo through the midſt of **Sadilbow pitts**, to the bredth of eight foot; and thence to a certain Gutter, called **Fereſgote.** With power to make a ſufficient Bridge over

[s] Extat. gr. in Eccl. S. *Germani* de Wigenhale.

the same for Carts, at the South East Corner of *Geffrey Siward:* and another also for Carts, neer the gate of the heirs of *John Drew*, and a third likewise for Carts; together with a Clow, having two bars with Keys, at the West end of **Wod mill Ea**; whereof one Key to be kept by the *Dyk Reeves*, for the time being, to remain on the said East part of **Wigenhale**; and the other by the said Prior and Prioress and their Successors, and the said *Will.* and *Margaret* and their heirs and assigns, for ever; to the intent, that if an excess of water should fortune to come on the side of **Erlesfeld**, then the said *Dike Reeves* might shut the same Clow, untill the said Sewer might, in reasonable time, convey it away; so that the Lands in **Wigenhale** and **Sadilbo** might not be overflowed therewith. And in like manner, if such an excess of water should come from **Wigenhale** and **Sadilbo**; that then the said Prior and Prioress, and their successors; and the said *Will.* and *Margerie*, and their heirs and assigns, for prevention of the inundation of their Lands, might shut the same Clow, untill the said water should be carried away. And that otherwise than for the evacuation of such excess of water, coming from **Erlesmarsh**, or from that part of **Wigenhale** and **Sadilbow**, neither of the said parties to shut the same Clow.

And the said Prior and Prioress for themselves and their successors; and the said *Will.* and *Margerie*, for them and their Heirs, did Covenant to keep sufficiently and maintain, the said Sewer, Bridges, and Clow, at their own proper costs and chardges. And the said Landholders in **Wigenhale** and **Sadilbow** Covenanted likewise to permit them the said Prior and Prioress, and their successors; and the said *Will.* and *Margerie*, and their Heirs, to have a sufficient Sewer for the draining of their Lands in **Erlesmarsh** aforesaid. In consideration whereof, they the said Prior and Prioress, for themselves and their successors; and the said *William* and *Margery*, for themselves their Heirs and Assigns, did grant to the said Landholders of **Wygenhale** and **Sadilbow**, an yearly rent of *viii*^{s}. to be received yearly out of the Lands beforespecified.

After this about two years, (scil. on *Thursday* next after the *Invention* of the *Holy Cross*) there was a Perambulation [t] made on the East part of the River of **Wigenhale**, by *xij.* Jurors; who said upon their Oaths and ordained, that for safeguard of the said Town, the **Newland dich** ought to be eight foot in bredth at the top. And that all the Sea-banks opposite to the messuage Walls, and elswhere, from the said **Newland dich** to **Rouse beche**, ought to be *xij.* foot broad at the top. And that the **Rouse beche**, **Biggebeche**, **Yernemouth dole**, **Dukesbeche**, **Gromeldiche**, and **Cannesbeche**, ought to be *xij.* foot in bredth at the top.

[t] Ex Vet. Rot. pergam. penes Henr. Kervill de Wigenhale, Arm.

And they said, that all the Sea-banks, opposite to the messuage Wall of **Sechegole**, unto **Pulbergole**, ought to be six foot in bredth at the top, and within the Wall four foot, but elswhere *xij.* foot. And that all the said Sea-banks ought to be raised above the highest tides, two foot, and perfected before the Feast of the *Nativity* of S. *John Baptist*, upon penalty of the *Bylaw*; *viz.* for every perch not repaired *vi*^{d}. And that they be well turfed before the Feast of *All Saints*, upon penalty of *Biscot*: and at the utmost that they be sufficiently repaired before the Feast of the *Nativity* of our Lord, upon penalty of *Triscot*.

And they likewise ordained, for the better safeguard of the said Town, that all the said Sea-banks should be strengthned with Stakes and Piles, or with Timber; *viz.* of schoring, where need required, before the Feast of *All Saints*, upon penalty of *vi*^{s}. *viii*^{d}. for every perch not repaired. And that all the Sewers should be clensed and scoured, where need was, before the Feast of the *Nativity* of S. *John Baptist*, upon penalty of *Bylaw*; *viz.* for every perch not repaired *ij*^{d}. without damage to the Land sowed. And that where the Sewers lay upon the sowed Land, that they should be clensed before the Feast of S. *Michael* the Arch Angel, upon the like penalty: And that all the warp should be thrown into the Common wayes, to fill up haggs and lakes, where need was, upon a great penalty, where it should ly neer the Common rode.

And they further ordained, that all Dunghills, lying in Common, to the nusance of any, should be amerc'd, *viz.* for

for each Dunghill *ii* ˢ. there was therefore warning given for their removall, before the Feast of *S. Michael* the Arch-angel, upon penalty of *iiii* ˢ. for every Dunghill.

And they said, that there was a certain Lake, in the Kings High way, betwixt the Messuage of *John Hastings* Chaplain, and the Plot lately belonging unto *Edm. Blower*; command was therefore given to fill the said Lake with earth, on each side, before the Feast of *S. John Baptist*, upon penalty of *vi* ˢ. *viii* ˢ. As also that all Trenches, Lakes, and Haggs in the said publick ways, within the before-specified limits, should be filled up with earth, lying neer thereto, before the said Feast of the *Nativity* of *S. John Baptist*, upon penalty of *vi* ˢ.

And they likewise ordained, that all those old Customes, of *Bylaws*, and other, touching the safeguard of that Town, antiently used and approved by the Kings Justices, should be firmly kept: And to quicken the observance of them, that the said *By-laws*, *Biscot*, and *Triscot*, should be levyed according to antient Custome, by the oversight and advice of the Jurors of the *Purale*. And that the principal Guardians, called *Dike-Reeves*, as often as they should think fit, should make inquisition of the trespasses touching the common obstruction in the Sewers and Stows, and the like; and amerce those whom they find faulty, according to the measure of the offence. Which *Dike Reeves* to have the one half, and the Commonalty the residue, for those common nusances, to be imployed in *menwarke* and *grundegole*. And the persons taking the said distresses to have *i* ᵈ. called **Wopeny**, for every one so taken: as also twelve pence in every *xx* ˢ, of Tallages and Amerciaments by them Collected. And that the chief Guardians of the Town, should, for the future, from year to year, upon the Feast of *S. Marke* the Evangelist, give up their accompt at a publick meeting, of all Tallages, *Bylaws*, *Biscot*, and *Triscot*, in what sort soever levyed; and be answerable for the same unto the Commonalty, according to antient usage: and the same day to deliver up their verdict unto them.

And, that the said chief Guardians, their Deputies, or Attorneys, shall swear to execute their Office, for the common benefit and safeguard, not favouring any. And that the Distrainers should likewise swear to observe the direction of the said Guardians, and be obedient thereto.

And they also said, and presented, that in times past, much peril had hapned to the said Town of **Wigenhale**, through the negligence of the *Dike Reeves*, appointed for the safeguard thereof; in regard they had not sufficient Lands and Tenement within that liberty, nor knowledge of the Laws and Customes of **Marsh-land**. Whereupon, for the avoiding of future peril, it was ordained, by the consent of the whole Commonalty, that, thenceforth, no Guardian, which should be chosen for the safeguard thereof, should make any Deputy or Attorney to execute his Office, except he were a fit man, free, and sufficient to answer to the Commonalty, in case any hurt might come to the Sea-banks through his neglect and default. And they likewise ordained, that no man should thenceforth take upon him to measure any Sea-banks, without the oversight and assent of the Town Officers, sworn thereto, upon the penalty of *xx* ˢ.

And they moreover presented, that whensoever the Commonalty should be summoned to meet for the safeguard of the Town; that they which should then be present, whether more or lesse in number; might, together with the chief Guardians, or those which should then be there, have power to make Ordinances for the safeguard before-specified; and that the same Ordinances should be effectual and firm. And that if any of the *xij* Jurats should make default, by not meeting, or to perambulate the Sea-banks, for the safeguard of the Town, that each of them should be amerc'd at *xij* ᵈ. so often as he did so neglect. And in case the said principal Guardians, their Deputies or Attorneys, did make default, each of them to be amerc'd at *iii* ˢ. *iiii* ᵈ. as oft as he did so transgresse. And if the said distrainers should not come with their Rolls of the Sea-banks, and with the perch to measure them; that they should be amerc'd at *xx* ᵈ. for every time of such their neglect.

And they said, that when any *Grundegole* should happen in the Banks of the Sea, or Marshes, and not through his

default to whom the ſame belonged; that it ſhould be repaired by the Commonalty of the Town; and the party whoſe *Grundegole* it was, to be diſtrained until he made ſatisfaction. And that in caſe any man ſhould be refractory, or a Foreiner, ſo that no diſtreſſe could be made upon him for ſuch default in his Bank, and that the ſaid Bank were in danger; that then the chief Guardians to ſummon the *Men-worke*, and make good the Bank for certain ſum of money; and when time ſhould ſerve, a diſtreſſe to be taken and detained untill three pence were paid for every peny ſo expended. And that whoſoever ſhould have warning to repair the ſaid *Grundegole* and came not, he ſhould forfeit *xij* ᵈ. And whoſoever ſhould not come upon ſummons to ſpecial *Men-worke*, to pay *xii* ᵈ. and nevertheleſſe to perform the ſame on the morrow.

And they likewiſe ordained, for the better ſafeguard of the ſaid Town, that *Seſſings* ſhould be made in the ſaid Banks, oppoſite to the Meſſuages and Walls, twice or thrice every year, in caſe of neceſſity, for preſervation of the Bank; and that the perſons agiſted ſhould be diſtrained, from day to day, for the due performance thereof. And they ſaid, that they had, time out of mind enjoyed a Cart way for Carriages, in a certain place, called the **Bicches**, on the backſide of the ſaid Sea-bank, for repairing the ſame Banks at all times of the year, when need required.

And they alſo ordained, that every Ditch being within leſſe than *xii* foot of the backſide of the Sea-bank, ſhould be filled up by thoſe unto whom the ſame Bank lying oppoſite to it, belonged; and that the ſame ſhould be ſpeedily accompliſhed, upon penalty of *ii* ᵈ. for every foot. And they farther ordained; that, for the better ſafeguard of the ſaid Town, no man ſhould thenceforth make any Ditch or Pit, upon the backſide of the Sea-bank, within *xii* foot, upon penalty of *iii* ˢ. *iiii* ᵈ. for every perch. And that if any Hoggs ſhould be found feeding or rooting upon the ſaid Sea-banks, they to be amerc'd for every foot *i* ᵈ. and for each mandible *i* ᵈ. And for Sheep or Cattel treading or depaſturing thereon, from **Rouſebeche** to **Pulberys gole**, to forfeit *i* ᵈ. for every foot, as often as occaſion ſhould be.

And they alſo ordained, that all the lands, lying in the field of **Sadylbowe**, abutting upon **Seche water leſwe**, betwixt **Theke gate**, and **Farlow diche**, ſhould raiſe the Stows, equal with the land on each ſide; and with Hurdles laid upon them ſix foot in bredth, to prevent the water, coming from the Sewer of **Sechewater leſwe**, from overflowing; upon penalty for every Stow *vi* ᵈ.

And, that the Cauſey extending from **Newdiche** through **Lenne gate** and **B.... milhirne**, on the Weſt part to **Puelldole**, was in decay; and from **Puell dole** by **Theke gate**, and the lands of the Prior of **Schouldam**.....to.... **Diche**; and from a place called the .....**hee**, by **Powdiche** on the North-ſide, unto the great River of **Wigenhale**, by reaſon of the exceſſe of water coming out of the Field of **Seche** and **Watlington**.

In 14 *H.* 4. *John Ingaldeſthorpe*, *John Harſyk*, *Simon Baret*, *John Mannyng*, and *Thomas Styward* were conſtituted [u] Commiſſioners for the view and repair of the Banks, Sewers *&c.* in the Hundreds of **Frebrigge** and **Clakloſe**, betwixt the Mill at **Barham** and **Secchithe** Bridge: with direction to proceed therein according to the Law and Cuſtome of this Realm, The like Commiſſion [w] in 16 *H.* 6. had *William* Earl of **Suffolk**, Sir *Raphe Cromwell*, and Sir *William Bardolf* Knights, *Will. Godered*, *Nich. Dyxon* Clerk, Sir *John Colvyle*, and Sir *Thomas Tudenham* Knights, *Andrew Sperlyng*, *John Heydone*, and *Gilb. Haltofte*, for all thoſe throughout this whole County: with power to make Laws and Ordinances therein, according to the Law and Cuſtome of this Realm and of **Romeney marſh**; and to determine all things therein according to thoſe Laws: as alſo to impreſt ſo many Diggers and Labourers, upon competent wages, as they ſhould think neceſſary to imploy in thoſe Works, in regard of the expedition which the ſame required.

[u] Pat. 14 H. 4. p. unica m. 28. in dorſo.

[w] Pat. 16 H. 6. m. 5. in dorſo.

But farther, touching this North eaſt part of **Norfolke**, than what hath been ſaid, I have not obſerved, untill the *xvii*th year of Queen *Eliz.* reign, that Sir *Nicholas le Strange*, and Sir *Robert Bell* Kᵗˢ. with other Commiſſioners of Sewers for the Hundred of **Clakclos**, made [x] theſe following Ordinances, upon the fourth of

[x] Excod. MS penes *O. S. John Aug.* f. 153. b.

Aug. in a Seſſion of Sewers held at **Kings Lynne**, *viz.*

That all the Banks againſt the great River, extending to **Narborough barrs**, to **Canons fen**, ſhall be repaired, and made in bredth at the bottom, *xvi* foot; at the top 4 foot; and in height 4 foot; and the Chanel of the River 24 foot in wideneſſe: The like all along, down to **Pentney** Mill.

That **Pentney** Mills be pulled down, whereby the drowning of the common ground of **Marham** and **Shouldham** may be prevented; which by reaſon of the keeping up the water, for thoſe Mills, are overflown.

That the back Dike from **Narborough barrs**, to **Cardike**, be kept in bredth 8 foot, and in depth 5.

That all the Banks of the River from **Blackborough** bridge to **Priours turne**, be made in height and bredth as aforeſaid. So likewiſe thence to **Cotehill**, and thence to **Sechee** bridge.

That the Drayn called **Wronglode**, extending from **Wode dyke** to **Tile kill**, be in bredth 8 foot, and in depth 4.

So alſo the Sewer called **Wode dike**, lying in **Marham**; and likewiſe **Carre dike**.

That the common Sewer called **Buſh fen**, extending from the ſaid **Car dike** to the great River, be made *xx* foot in bredth, and five foot in depth.

That a Dam be made on the Weſt ſide of **Buſh fen Ea**, in **Dunſtall dike**, ſo that the waters coming from **Car dike** may run into **Buſh fen Ea**.

That a Drain in **Marham**, extending from **Croſſe yard** to **Padacks hill**, be made in bredth five foot, and depth three.

That the old River in **Marham**, be made 12 foot broad, and four foot deep, from the place where **Marham** Mill ſtood, to **Beares head**: Thence to **Marplat dike**, of the ſame bredth and depth; Thence to **Dunſtall dike**; and thence to **String dike** in like ſort.

That **Dunſtall dike** ſhall Drayn through the Mill Cauſey, by a ſluce there to be made of two foot ſquare, into a Dike lying on the North ſide of a Hop-yard, called **Hopyard dike**: Which Dike, extending from the ſaid Cauſey to **Stringdike**, to be 8 foot wide alſo, and 5 foot deep.

That the Drayn in **Marham**, extending from **Swans neſt** to **Bradwell lode**, be made eight foot wide, and four foot deep.

That **Bradwell lode**, extending from the Abby yards end unto the **old Ea**, and ſo to the **Croſſe willow**, be made of the like bredth and depth.

That the Drayn from **Dowhouſe-Cloſe**, to **Crowdwell gappe**, be kept in bredth *x* foot, and in depth 4. So likewiſe **Fryday lode**, extending into the ſaid **Old Ea**.

That the Common Drayn called the **Old Ea**, extending from **Haddon** Mill to **Black dyke**, be made and kept 8 foot in bredth, and 4 in depth. So likewiſe from **Halcroft barrs** to **Wirmgey bridge**.

That the ſaid Common Drayn, or **Old Ea**, from **Wirmgay** bridg to the Abby ſtile, to be kept in bredth *xii* foot, and depth 5. And from the ſaid Abby ſtile to **Cotehill**, and ſo to the great River, *xvi* foot in bredth; and in depth as aforeſaid.

That the River of **Wiſſe**, extending from **Whittington** to **Stokebridge**, be cleanſed, and made in bredth *xl* foot.

That **Stokebridge** containing three Arches of the wideneſſe of 40 foot, be repaired by the Countrey neer adjoyning.

That the ſaid River of **Wiſſe**, from **Stokebridge** to **Sandell were**; thence to **Haveringay were**, **Biſhops were**, **Ielham were**, **Cote were**, **New were**, **Foxwere**, **Helgay bridge**, **Hide were**, **Shellewere**, and **Weſt lode**, be cleanſed and made in bredth *xl* foot as aforeſaid; and thence to the great **Ouſe** in bredth 30 foot.

And that two Jetties or Peers of ſtone, *xviii* foot diſtant each from other, be ſet upon the ſaid River, within 200 foot of the ſaid River of **Ouſe**.

That the **Landlake** (which taketh its beginning out of the River of **Wiſſe**, at **Weere dike**, a mile diſtant from **Stoke bridge**) whoſe natural fall to the Sea is through **Suoke fen**, through **Helgay** Cauſey, in a Pipe of Timber or Stone; and thence *&c.* to **Gunnels lode**, be there divided into two branches; the one directly Weſtward, to the River of **Ouſe**, and

and the other Northwards, through **Denver** South fenn; in each whereof (neer the ſaid River **Duſe**) to be placed a ſubſtantial Gole.

That the Banks on the South ſide of **Wiſſe**, from common **Fengate**, in **Helgay**, be made 8 foot in bredth, and 4 foot in height.

That the Banks on the Eaſt ſide of **Duſe**, from **Weſt loves** end to **South love**, be made and kept 8 foot broad, and 4 foot high; and from thence to **Modney cote**, ten foot broad in the bottom, 5 at the top, and 5 foot in height.

That the Drayn in **Helgay fenn**, called the **Wiſſe**, be kept in bredth 12 foot, and depth 4. unto **Miles end corner**; and from thence to the River of **Duſe** 10 foot broad, and 5 foot deep. And at the end thereof a Gole 2 foot ſquare, and 16 foot long.

That a ſufficient Drayn be made at the Cauſey between **Helgay** and **Modney**.

That the Drayn between **Foxham-more** and **Poxtmore**, in **Helgay**, be made in bredth 12 foot, and depth 5. And a Gool at the end thereof of the like dimenſion as aforeſaid.

That the Drayn betwixt **Thack fen** and **Helgay-more** be 10 foot in bredth, and 4 in depth; with the like Gole as aforeſaid.

That **Turff fen lake** in **Helgay** be kept 12 foot broad, and 6 foot deep, with a Gole where it enters into **Duſe**.

That the Common Dayn called **Creek lode**, extending from **Creek mere** in **Little poxt**, to the 4 Lodes; and thence to **Pulwear lake**, be kept in bredth 20 foot; and depth 6 foot; and ſo likewiſe to a place called the **Willow**; and thence to the River of **Duſe**, 16 foot in bredth, and 6 foot deep, with a Gool at the end thereof, of 4 foot in bredth, and 5 in depth.

That **Rebech** River, in **Helgay**, extending from **Redmercote**, unto the great River of **Duſe** in **Sotherey**, be made in bredth 40 foot, untill it come within three furlongs of **Duſe**, and then 30; to be done by the Townſhips of **Feltwell**, **Hockold**, **Wilton**, **Brandon-ferry**, **Santon** and **Downham**; and all others having any grounds drayning through and by the ſaid River.

That the Common Drayn in **Sotherey**, called **Stake lode**, be in bredth 12 foot, and depth 4. till it come to **Croſſe water**; and thence to the River of **Duſe** 14 foot in bredth.

That **Sotherey** Cauſey be made 18 foot wide at the bottom, 14 foot at the top, and 3 foot in height.

That the Banks of **Duſe** North of **Sotherey Ferry** to **Modney dike**, be 8 foot in bredth at the bottom, 5 foot at the top, and 3 foot in height.

That the Land drain in **Sotherey**, extending from **Sotherey barr** to the Hall yard, be kept in bredth 8 foot, and in depth 3. and ſo till it come to **Stake lode**.

That **Pollver drain** in **Wirmgay**, beginning at **Campions hills**, & extending to **Sechey** Cauſey, and thence to **Kings bridge**, be 10 foot in bredth, and 4 in depth.

That the Drayn in **Watlington** and **Totnell**, extending from **Therkes bridg** unto **Hobs dike**, be kept in bredth 6 foot, and depth 3. And **Hobs dike**, 9 foot wide, and 4 foot deep.

That **Eaſt woe dich** Bank, in **Watlington**, otherwiſe called **Savers banke**, which defendeth the freſh waters of **Polver drain** and **Seche** River from overflowing *&c.* to be heightned in every low place.

That **Polver drain**, from **Kings bridg** to the Gole head, be made in bredth 16 foot, and in depth 8.

That **Geris dam**, in **Watlington**, be kept in bredth 12 foot, and in depth 6. and the menure caſt out of it to be laid upon the Cauſey on the North part therof, for the raiſing of the ſame Cauſey.

That the Were Bank lately made by the Inhabitants of **Walington**, extending from the great River at **Bells move** to **Moynes croſt**, leaving in the midſt of the **Old Ea** a Waſt to be made of lime and ſtone 3 foot ſquare, and a ſufficient Drayn from the ſame to **Geris dam**, be ſufficiently maintained.

That the Townſhips of **Runcton holme** and **Watlington** do make a Drain from the Pipe lying between **Bells move** and **Flemings hive**, to the great Lake, of 8 foot wide, and 4 foot deep.

That thoſe which ought to amend the Drains, neglecting for 14 dayes, the Dike Reeve to perform the work, taking for for every peny laid out 3 d.

That the Cauſey, called **Fleming hive**

hive, lying in **Runcton holme**, be made in bredth 16 foot, and in height 5 on the North ſide.

That **Thorpe land gole**, be maintained 9 foot in bredth, and in depth 4.

That **Stow goole** (alias **Hirne gole**) be made in bredth 8 foot, and in depth 4.

That the Sea-banks from **Stow bridge**, to the diviſion between **Stow** and **Downham**, be in bredth on the top 8 foot, and in height one foot higher than the higheſt Water-mark.

That the Drayn in **Wimbotesham**, extending from **Widdons** houſe to the Parſonage, be 3 foot broad, and 2 foot deep; thence to **Inghams** Corner, 5 foot broad, and 3 foot deep; and thence to **Wimbotesham gole**, in bredth 8 foot, and depth 5.

That the Drayn in **Downham**, on the Eaſt ſide the River of **Ouſe**, extending from **Bydewells** to the great River, be made from **Bydwell** to **Goodcroſſe**, in bredth 3 foot, and depth 2. From thence to the **Goole dich**, in bredth 8 foot, and depth 4, and from thence to the great River, in bredth 10 foot, and depth 5.

That the Drayn in **Downham** by **Perning ditchs**, extending to **Tullymore** in **Denver**, be made in bredth 8 foot, and depth 5, and the Gool belonging thereto to be repaired.

That the Banks on the Eaſt ſide of **Ouſe**, from **Downham goole** to **Denver hithe**, be 6 foot broad at the top, and one foot higher than the higheſt Water-mark.

That all the Banks of the ſaid River, from **Denver hithe** to **Weſt lode**; and thence to **Gunnels lode**, be on the top 5 foot broad, and one foot higher than the higheſt Water-mark.

So likewiſe on the North ſide of **Weſt lode**, alias **Wyſſey** River, extending from **Gunnels lode** to **Shippen lode**.

And from **Shippen lode** to **Helgay** bridge, to be 12 foot at the bottom, 6 foot at the top, and in height equal with **Helgay** Cauſey.

And in the ſeventh year of King *James*, the Sea having made a very great breach betwixt the Towns of great **Yarmouth** and **Happiſborow**, in this County of **Norfolk**, and overflowed and drowned much hard grounds, beſides the greateſt part of the Marſhes and low grounds within divers Towns and Pariſhes, not only of this County, but alſo of **Suffolk**; there was a ſpecial Act * of Parliament then made, for the iſſuing out of Commiſſions, under the great Seal of **England**, for the Survey and view thereof; and uſing ſuch other means for the ſpeedy recovering of them, as by the ſaid Act are particularly directed. * Cap. 20.

CHAP. XLVI.

IN 6 *H.* 3. complaint [a] being made to the King, that the Sea-tides had overflowed a great part of **Dunwich**, and the Lands adjacent; as alſo, that they did daily encroach more and more thereon, ſo that farther damage was like to happen, in caſe ſomething were not done therein; he iſſued out his Letters [b] Patents unto all the Earls, Barons, Knights, and Freeholders of this County, affectionately deſiring them, that they would apply a proper and ſpeedy remedy thereto. And in 3 *E.* 1. the King directed his Precept [c] to the Conſtable of **Oxford** Caſtle, that for the better defence of **Oxford marſh**, he ſhould cauſe new Banks to be made where none were before; and to repair the old ones in all places where they were defective.

a 5 Pat. 6. H. 3. b 2 p. 1. m. 3.

c Clauſ. 3. E. 1. m. 18.

In 18 *E.* 1. there was ſo great and ſuddain an inundation [d] of the Sea, at **Gernemuthe**, and the parts thereabouts, that it broke into the Houſes, and carried out much of their goods, and Cheſts with money and Jewels; as alſo Sheep and other Cattell out of the paſtures; many whereof were taken up by thoſe who were not the proper owners of them: Whereupon the King having information, he conſtituted [e] *Will. de Gyſelham*, and *Will. de Redham* Commiſſioners to enquire in whoſe hands they then were; and to cauſe reſtitution thereof to be made.

d Pat. 18 E. 1. m. 19. e in dorſo.

In 3 *E.* 2. *Hervie de Staunton*, *John le Breton*, *Ric. de Walſyngham*, and *Thomas de Ingaldeſthorpe* were aſſigned [f] to view the Sea-banks, Ditches, and Sewers in this County, and to take order for their repair, where need required. The like aſſignation [g] in 9 *E.* 2. had *Robert de Reydone* and *Roger Sturmy*, for all thoſe upon the Coaſt betwixt **Ippeſwiche** and **Donewich**.

f Pat. 3 E. 2. m. 26. in dorſo.

g Pat. 9 E. 2. p. 1. m. 20. in dorſo

And in 31 *H.* 6. the Abbots of **Leyſton** and **Sybeton**, *Thomas Brewes*, *John Harleſton*, *Will. Jenney*, *Reginald Rous*, *John Strange*, and *Richard Takeſley* were appointed [h] to make the like view from **Ampneſmere haven** unto **Rakewarebrigge**, and from **Stonhill** to **Reyesbrigge**; and from **Rakewarebrigge** to **Yorford brigge**: and to make Statutes and Ordinances according to the Lawes and Cuſtomes of **Romeney marſh** *&c.* as alſo to take up ſo many Diggers and other Labourers, upon competent wages, as ſhould be neceſſary to be imployed in that work, in reſpect of the great neceſſity in accelarating thereof, for the avoidance of further miſchief. So alſo in 36 *H.* 6. were [i] Sir *Robert Corbet* Knight, *Thomas Brewes*, *John Harleſtone*, *Henry Grey*, *Reginald Rous*, and *Henry Turnour*.

h Par. 31 H. 6. p. 2. m. 22. in dorſo.

i Pat. 36 H. 6. p. 2. m. 4. in dorſo.

CHAP.

CHAP. XLVII.

REturning now Westwards I come to **Cambridgshire**, wherein the largest proportion of this spacious Fenny tract lyeth: and in regard that the obstruction * of the old natural outfall at **Wisebeche**, not only of that great River **Ouse**, wholy; with **Grant**, and likewise a branch of **Nene**, then united to it; but of divers Lodes and Lakes besides, hath been both the Original and chief cause, that the main Level became thus totally overflowed; and, consequently, the occasion of such excessive pains and continual chardge, aswell for the preservation of it from utter drowning, as recovery of what was so under water; I shall next take notice of the manifold endeavours and vast expences in that kind, which have been used in order thereto: as also of such dreadfull inundations from the Sea, by reason of sundry violent tempests; or of the same fresh waters, which for divers ages have hapned in these parts.

* See Cap. for the reasons thereof.

In the year *MCCxxxvi.* (21. *H.* 3.) on the morrow after *Martinmass* day, and for the space of eight dayes more, so boisterous were the winds, that the Sea, being raised much higher than its usual bounds, broke in at **Wisebeche**, and other places of this Country, *ita quod naviculæ, pecora, necnon & hominum maxima periit multitudo*, saith [a] *Math. Westm. So that of little Vessels, Cattel, and people, very many were destroyed.*

[a] Annal. *M. Westm.* de An. 1236.

And about seventeen years after, there hapned such another wofull accident: whereupon the King directed his Precept [b] to the Shireeve of this County, requiring him to distrain all those who had Lands within the precinct of the old Banks in these parts of **Wisebeche**, to repair the said Banks as they ought to do, according to the quantity of their holdings. Which losses, though they were very great, might the better have been supported, had not the before-specified obstruction of the fresh waters annoyed them in a more than ordinary measure; which so much increased, that in 13 *E.* 1. the Tenants to the Bishop of **Ely** in **Welle**, **Elme**, **Wisebeche**, **Leverington**, **Neuton** and **Tyd** complained [c] thereof to the King; in particular shewing, that their [d] Lands in those Towns, by the great flux of waters running towards the Sea of **Wellestrem**, and through the defect in repair of the Sewers, Bank of **Rughmere**, and other Banks, antiently raised, and to be made anew from Town to Town, were drowned: and not only so; but that divers of the Inhabitants in those Towns, being averse aswell to their own as others benefit, did refuse to submit themselves to the Law and Custome of the Fen, for remedy thereof: the said King therefore constituted [d] *Hugh de Balsham*, then Bishop of **Ely**, and *Hugh Peche*, his Commissioners to make enquiry *&c.* and to cause the said Bank of **Rughmere** to be repaired at the chardge of those persons, whose Lands were preserved from the perill of inundation, thereby; or if need were to raise another in a more fitting place: provided, that by such repair and making of Banks from Town to Town, no disherison, or damage did befall *Geffrey de Sandiacre* and *Clementia* his Wife, and their Tenants in **Neuton** and **Tyd**, or any other person whatsoever.

[b] Clauf. 38. H. 3. m. 12.

[c] Pat. 13. E. 1. m. 24. [d] in dorso.

After this, within a few years, the Sea-banks in these parts being again broken [e] by the violence of the Tides, the same *Geffrey de Sandiacre*, and *James de Beaumeys* were appointed [f] to

[e] [f] Pat. 19. E. 1. m. 23. in dorso.

view them, and to take order for their repair.

But theſe irruptions of the Sea, as they were caſuall (*viz.* when the North or North East winds accompanied extraordinary Spring-tides) ſo were they not frequent, nor did thoſe flouds ſo long continue upon the Land, as to deſtroy it by drowning; the ſtagnation of the freſh waters producing much more damage; which for want of evacuation, for the reaſons above-ſpecified, were a continual annoyance to the whole Country thereabouts; inſomuch as the Inhabitants of **Marſhland**, diſcerning the danger to that Province, by the increaſe of thoſe waters, did in 21 *E.* 1. procure a Commiſſion[g] from the King, bearing date the *xix*th of *June*, directed to *Peter de Campania*, *Thomas de Hakford*, and *Adam de Schropham*, to enquire farther touching the ſame, and to apply the moſt proper remedy thereto. Who thereupon ſitting[h] at **Utwell** upon *Monday* after the Feaſt of S. *Peter ad vincula* next enſuing; and taking into conſideration[i] what ought to be done, for reſtoring thoſe waters of **Utwell** (for ſo that great River of **Ouſe**, which had formerly paſſed that way was then called) to their due and antient courſe, did, with the aſſent of the Country, ordain, that there ſhould be three Dams made; one at **Utwell** bridge, another at **Lytlelode** bridge, in **Upwell**; and the third at **Fen-dyke-lake** in **Upwell** alſo. And becauſe the Inhabitants of **Marſhland**, at whoſe inſtance the ſaid Commiſſion was procured, perceived that this Ordinance for the making of theſe three ſtops would be for their benefit; they, without any authority from the ſaid Juſtices, given to them, or from the Shireeve, or any Bayliff of the Hundred, did, of their own accord, and contrary to the tenor of the before-ſpecified Commiſſion, make a ſtop of the ſaid water at **Lytle lode** aforeſaid, and ſo continued it, untill by the force of the water, with the help of ſome perſons who paſſed that way with their Boats, a part thereof was opened. And finding it ſo opened, procured another Commiſſion to *Simon de Elleſworth* and *Thomas de Hagford*, to[k] enquire thereof. Who by by virtue of that Commiſſion, ſitting at **Upwell**, upon *Wedneſday* next after the *Invention* of the *Holy Croſſe*, in the *xxiii*th year of the ſaid Kings reign; and making enquiry accordingly, were anſwered; that they had not any power by their ſaid Commiſſion ſo to do; by reaſon they had no appointment for the ſtopping thereof: Whereupon the ſaid *Thomas de Hagford*, who was likewiſe aſſociated with the before-ſpecified *Peter de Campania*, in the firſt Commiſſion, being asked, whether himſelf and his fellow Juſtices at that time, did then conſent, or give command for the damming of the ſaid water of **Lytle lode**; anſwered, that in the Commiſſion, ſo directed to *Peter de Campania* and himſelf, there was nothing contained, but only touching the waters deſcending by **Utwell**, without any mention at all of ſtopping the water of **Lytle lode** in **Upwell**, and conſequently no command to obſtruct the ſame; whereupon they the ſaid *Simon* and *Thomas* forbore to do any thing farther therein.

But afterwards, the ſame day, the ſaid Commiſſioners, by virtue of another Precept for the view of **Pokediche**, in **Marſhland** (whereof I have in the Chapter of this my diſcourſe, already taken notice) did receive this following verdict from the Jurors then impanelled and ſworn; *viz.* that there was a neceſſity, that the water at **Upwell** ſhould be ſtopt at the houſe of one *Raphe Smith* of that Town; and that the old courſe thereof ſhould be cleanſed, and enlarged from the Sluſe at **Elme**, unto that ſtop at **Upwell**, *xl* foot in bredth; and made in depth full ſix foot more than it was at that preſent. And that therewas the like neceſſity, that the ſaid water of **Upwell** ſhould have its courſe by the **Lytle lode** to a place called **Wadyngſtowe**, till ſuch time as the ſaid Sewer were ſo cleanſed, enlarged, and repaired, as hath been ſaid: And, that if the ſaid Chanel called **Lytlelode** and **Wadingſtow**, would not be ſufficient to carry thoſe waters, that it ſhould be enlarged by the overſight of the Shireeve of **Norfolk**, as need required. And it was then alſo ordained, that the **Lyttlelode** and **Wadyngſtowe** ſhould be kept open, untill the before-ſpecified Sewers were cleanſed; *viz.* till the *Gule* of *Auguſt*: in purſuance of which Ordinance, that part of Ly-

g Ex Reciſt. de Ramſey, penes *H. Cromwell* arm. f. 115. a.

h, i Ibid.

Ib. f. 116. a.

Lytle lode, then remaining stopt, after the said breach by the power of the waters and Boats so passing that way, as hath been said, was opened.

After this; *viz.* in 27 *E.* 1. the said [l] King, directing his Precept to *Will. de Carletone* and *Will. Howard* to enquire concerning the breach of the said stop at **Lytle lode**, by reason whereof the water could not have its passage to the Sea accordingly as it had anciently used, they sate at **Welle**, upon *Wednesday* after the Octaves of *Easter*, and received this following information by the verdict of the Jurors then impanelled and sworn; *viz.* that *Robert Russel* Bayliff to the Abbot of **Ramseye**, *John Mayner*, *Walter Halleman*, and others, had forcibly broke down that Dam at **Smal lode** (or **Lytle lode**) and that one *Richard Curteys* had done the like at **Wadyngstowe**: Whereupon the Shireeve had command to take them all, and imprison them, untill he should receive farther directions therein.

[l] Ib. f. 119. a.

In 8 *E.* 2. the King being informed, [m] that the water whereby divers persons of **Cambridge**, **Huntendon**, and **Northampton shires**, passed with Ships and Victual, from the parts of **Lenne** to **Welle**, to the great benefit of all the Country, and especially of the Town of **Holme**, situate thereupon, was obstructed by certain men dwelling thereabouts: he therefore assigned [n] *John de Butetort*, *Robert de Maddingle*, and *Walter de Mollesworth* to enquire thereof.

[m] Pat. 8. E. 2. p. 1. m. 16. in dorso.
[n]

The next ensuing year *Geffrey de Colvile*, *Robert de Maddyngle*, *Laurence de Burewelle*, and *John le Corouner*, were appointed [o] to view the Banks and Sewers upon the Sea-coast, lying in **Tyd**, **Neuton**, **Leverynton**, and **Wysebeche**; as also in some Towns of **Marshland**, and the parts adjacent, within the Hundred of **Wisebeche**, which were then in decay; and to take order for their repair.

[o] Pat. 8 E. 2. p. 2. m. 24. in dorso.

The like Commission [p] had the said *Geffrey*, *Robert*, and *John*, together with *Nich. de Houtone*, in 9 *E.* 2.

[p] Pat. 9 E. 2. p. 2 m. 11. in dorso.

And in 17 *E.* 2. the King receiving farther information [q] concerning the obstruction of the water of **Welstreme**, at the Town of **Welle** before-mentioned, whereby Merchants and others were hindred from passing with their Ships, Boats, and other Vessels from the Town of **Lenne**, unto **Lakesle**, **Holme**, and other places lying in the Counties of **Huntendon** and **Norfolk**, in such sort as they had formerly used to do (and as the Commission [r] in 8 *E.* 2. above-specified importeth) constituted *John de Mutford*, *Walter de Friskeney*, and *Will. de Gosefeld*, Commissioners to enquire thereof.

[q] Pat. 17 E. 2. p. 1. m. 6. in dorso.
[r]

What they did herein, I have not seen; but in 3 *E.* 3. (which was not long after) there was a Presentment [s] exhibited to the Justices Itinerant, sitting at **Northampton**, by the Jurors for several Hundreds in that County, importing; that whereas the course of the River **Ance** had anciently been, directly from **Peterborough**, unto the **Lenne**, in **Norfolk**; by which Corn, VVood and other Commodities were carryed to that Haven; and from thence, Victuall and other necessaries; that about *xxviii* years then past, *Walter de Langetone*, Bishop of **Coventre** and **Lichfield**, and Treasurer to King *Edward* the first, (Grandfather to the then King) did, for the drayning of his Mannour of **Cotham**, situate in a Fenny Soil, by his power and greatnesse, cause a Dam to be made at **Atwell** in the said County of **Norfolk**, with earth and sand, so that no navigable Vessells could afterwards passe to and from **Lenne**, as they had wont to do; to the great damage of the said King and his people, aswell of that County, as of **Norfolk**, **Cambridge**, **Huntendon**, and **Lincoln shires**: and that the same stop of those waters from descending to **Lenne**, did cause the Lands, Meadows, Pastures, and Marshes of **Burrough fen** and **Thorney fen**, with divers others adjoyning, to be overflowed and drowned; to the damage of the men of that County *CCC l. per annum*, and upwards. And that *Edmund Peverell*, son and heir to *Robert Peverell*, Brother and heir of the said Bishop, then holding the said Mannour, did maintain and continue the before-specified Dam, but by what Authority they knew not: the Shireeve of **Norfolke** had command therefore to summon the said *Edmund* to answer thereto.

[s] Ex cod. MS. Memorandorum penes Rob. Winefield Eq. aur. f. 73. a. Videsis etiam Plac. coram Rege term. Trin. 5. E. 3. Rot. 12.

Who appearing, in person, and being required to say what he could for the keeping up of the said Dam; alleged, that the before-specified Bishop, dying seized of the said Mannour, *Robert Peverell* entred into it as his Brother and heir: and that after the said *Roberts* death, he the said *Edmund* entring as his son and heir, found that water so damm'd, as hath been observed; without that, that the said Dam was so made, as aforesaid, by the same Bishop, or that he the said *Edmund* had continued and supported the same to the common damage *&c.* as had been presented: and thereupon did put himself upon the Country; and so likewise did *Richard Adelburgh*, who prosecuted for the King. And therefore, because it seemed expedient to the Court, aswell for the King, as for his people, that there should be a verdict from the Country on that behalf, aswell by Jurors of those Counties, wherein the damage was assigned, as by Jurors of **Norfolk**, in which County the said Dam was alleged to be made; command was given to the Shireeves of **Cambridge**, **Huntendon**, **Lincoln** and **Northampton shires**, likewise, that each of them should bring *xij.* honest and lawfull men, whereby the truth might be the better known, to appear before the King three weeks after *Michaelmas*.

At which time came *Adam de Fyncham* the King's Attorney: but the said *Edmund*, though solemnly called, appeared not; whereupon a verdict was taken against him by default.

Nor did the Shireeves of any of the before-mentioned Counties make return of their said Precepts: therefore new writs were issued out unto them, to the same purpose as above-said, returnable upon the *xv*th of S. *Hillarie* then next following. At which time came the said *Adam*, and the Shireeves of **Norfolk** and **Northampton**; who alleged, that the Writs were so long in coming to their hands, that they could do nothing therein: howbeit the Shireeve of **Cambridge** and **Huntendonshire** returned the names of Jurors; but the Shireeve of **Lincolnshire** sent no answer.

Whereupon the King issued out a Precept to *Geffrey le Scrope* and his fellow Justices of the Pleas before himself to be holden, whereby he signified to them, that the Inhabitants of **Marshland**, in **Norfolke**, had complained; and the men of **Suffolk** and **Cambridgshire**, who had Lands neer unto those parts, had exhibited a Petition to him the said King and his Council; shewing, that whereas some parts of **Marshland**, together with a great proportion of those Counties, was lost and destroyed by the inundation of the Salt waters; as also of the fresh, by reason that the said waters and Sewers had not their right course: And that King *Edward* the first, passing that way, and taking notice thereof; did, by the advice of his Council, assign *William Howard* and some other to make enquiry touching the premisses; who by Inquisitions taken before them, found that those parts could not be any other way preserved, than by stopping of a certain water called **Welle dam**: And whereas for that respect, they did ordain the before-specified obstruction thereof to be made: and that afterwards it was presented before him the said *Geffrey* & his fellow Justices itinerant, in the County of **Northampton**, by the procurement of some persons, for their own particular advantage; that the same obstruction was made to their damage; Whereupon they caused *Edmund Peverell* to be impleaded for it; and proceeded so far therein, as that the said *Edmund* submitted to an Inquisition thereof: which Inquisition being to be taken before the said King; the parties before-specified besought him; that, whereas that obstruction had been made by the appointment of those Justices, he would please to supersede the taking thereof, untill the complainants could shew forth their right as they ought to do. The said King therefore being willing to do right in the premisses, required the Treasurer and Chamberlains of his Exchequer, that they should under the Exchequer Seal, send unto him the Inquisitions so taken before the said *Will. Howard* and his associates, as aforesaid; together with the whole process thereupon, upon the *xv*th of the holy *Trinity* then next ensuing; all which were

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at that time in the Treasury of the said Exchequer, under their Custody. And commanded the Shireeves of **Norfolk**, **Suffolk** and **Cambridgshire**, to make Proclamation within their liberties; that every person concerned in the premisses, should then and there appear, to answer what might be proposed to them, if they thought fit; and to solicite for further Justice therein: And lastly forbad the said *Geffrey* and his fellow Justices to receive the said Inquisition.

By virtue of which Precept, the Jurors for the Counties of **Cambridge** and **Huntendon** were respited untill from the *xv*th of the holy *Trinity* following; because none of them appeared: and therefore the Shireeve was to attach them. And because the Shireeves of **Norfolk** and **Northampton** returned, that their Writs came so late unto them, that they could do nothing therein; and the Shireeve of **Lincolnshire** made no return at all, therefore other Writs were sent unto them, requiring each of them to bring *xxiiij.* honest and lawfull men *&c.* at that time prefixed: and in the interim the said King dispatcht his Writ of *Certiorare* to the Treasurer and Chamberlains of his Exchequer; commanding them, that they should forthwith send unto him under the Exchequer Seal, the said Inquisitions, so taken before the before-specified *Will. Howard* and his associats, as aforesaid. Which Writ of *Certiorare* beareth date the *xviii*th day of *February* in 5 *E.* 3.

But the said Treasurer and Chamberlains of the Exchequer, made return; that, having sought amongst their Rolls, they could not find any such Inquisition, Ordinance, or Decree touching the obstruction of that water.

Whereupon the King signified as much to the said *Geffrey le Scrope* and his associats; and not long after issued out a writ to the Shireeve of **Norfolk**; whereby, having advertised him of all proceedings in that business, he commanded him to make publick Proclamation, within his Liberties, where he should think fit, that all such persons who were concern'd therein should attend the said King, at a day and place assigned, to make their proposals touching that business, if they thought it meet; as also to solicite for further Justice there. And to make return of his doings therein a Month after *Easter* ensuing. Which Writ beareth date upon the 18th of *February* in the year beforementioned.

By virtue whereof the said Shireeve of **Norfolk** (*viz. Thomas de Hindringham*) thus answered; that he made return of the same Writ to *John Bosse* of **Kenynghale**, Bayliff of the Bishop of **Elye's** liberty: who said, that he did make Proclamation accordingly, and found no man gain-saying or finding fault with that Dam; but that the said passage was as commodious as it had wont to be. And that he did give notice to all the Noble-men of those parts, that they should appear at the same day, specified in the writ, before the said King, to render their reasons, if they thought good. And the said Shireeve did also give advertisement thereof to *Will. de Whetacre* Steward of the Liberties for the Town of **Lenne**, who had return and Execution of writs. Which *William* answered, that he did cause Proclamation to be made thereof in the full Market of that Town, upon *Tuesday* in *Easter* week, in the same year; with advertisement, that all those whom the said obstruction might concern, should attend the said King, likewise, at the time before expressed, to manifest their reasons in that business.

The like Writs did the said King send to the Shireeves of **Suffolk** and **Cambridgshire**. Which Shireeve of **Cambridgshire** (*scil. Will. le Moigne*) made return; that he did cause the like Proclamation to be made as abovesaid; *viz.* that all those whom the said obstruction did concern, should attend the said King upon the *xv*th of the holy *Trinity*, to set forth their right *&c.* And because, that the King received information before the said *xv*th of the holy *Trinity*, that the before-specified *Edmund Peverell* dyed; and that *Elizabeth* his Wife did jointly hold the said Mannour with him the said *Edmund*; he issued out another Writ to the said Shireeve of **Cambridgshire**; whereby (after recitall of the whole busi-

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neſs) he required him to ſummon the ſaid *Elizabeth*, to appear upon the ſaid *xv*th of the holy *Trinity*, when Inquiſition was to be taken thereof, to propoſe what ſhe could touching her right then in queſtion. Which Writ beareth date the *xij*th of *May*, in the year aboveſaid.

And upon the ſame *xv*. of the holy *Trinity*, the ſaid Shireeve making return of his Writ, there came *Adam de Fincham*, the King's Attorney, and likewiſe the Jurors for the ſaid Counties of **Norfolk**, **Cambridge**, **Huntendon**, **Lincoln**, and **Northampton**: But neither did the ſaid *Elizabeth*, nor any of the **Marſhland** Land men, nor of the Counties of **Norfolk**, **Suffolk**, and **Cambridge**, having Lands thereabouts, make any appearance at all.

Whereupon the ſaid King ſent another Writ to the beforeſpecified *Geffrey le Scrope* & his aſſociats, requiring them without farther delay, to proceed to the taking of the ſaid Inquiſition, upon the ſame *xv*. of the holy *Trinity*. Which VVrit bears date the *xii* of *May*, in the year aboveſaid.

At which time the Jurors for the County of **Norfolke**, impanelled and ſworn, did ſay upon their Oaths; that *Walter de Langton*, ſometime Biſhop of **Coventre** and **Lichfield**, did, for the Drayning of his Mannour of **Coldham**, about one and thirty years then paſt, cauſe a ſtop to be made at **Outwell**, of the before-mentioned water; by reaſon whereof, thoſe men who had occaſion to go with Ships and other Veſſels, laden with Goods and Merchandize, from **Wolme**, **Parley**, and other parts thereabouts, unto the Port of **Biſhops Lenne** in **Norfolk**; as alſo ſuch as had a mind to return directly from thence to **Peterborough** and the parts aforeſaid, could not paſſe with their Ships and Veſſels, as antiently before that ſtop was ſo made they had uſed to do; but were forced to go a long way about; *viz.* by **Old Wellenhee**, and **Lyttle port** (which in going to and fro is fifty miles and more) whereby Corn, Timber, Wool, Reed, Turf, Stone, and other Commodities were the dearer; and ſo likewiſe were Fiſh, Herings, and other Victuals, by reaſon of that circuit, to the damage of the Inhabitants of **Norfolke** *CC* l. every year.

And being asked in whoſe ſoyl the ſaid ſtop was ſo made at firſt, they anſwered in the Kings ſoyl; and ſaid, that the Common Road & paſſage for ſhips and Boats had wont to be there, before the ſaid ſtop was ſo made; and the water likewiſe cõmon for fiſhing to all the Neighbourhood. And they alſo ſaid, that the borderers on each part thereof were either Tenants to the Abbot of **Ramſey**, the Earl *Warren*, or of *John de Bardolf*, and other Lords. And being farther asked, whether the ſaid *Edmund* or *Elizabeth* did in their times do any thing for the maintenance and keeping up of that Dam; they ſaid, that after the before-ſpecified Biſhop had firſt made it, it did not need any repair or amendment; and that the ſaid *Robert Peverell*, *Edmund*, or *Elizabeth*, did not in their times meddle at all therewith.

And the Jurors for the County of **Lincolne** impanelled and ſworn, ſaid upon their Oaths; that the Chanel called **South Dyke**, beginning at **Croulande**, and extending it ſelf to **Tyd**, in that County, through which the freſh waters deſcending from the Fens and Up-Countries, uſed to paſs unto the Sea, by raiſing the creſt thereof no more than two foot; was then ſcarce ſufficient to carry away thoſe waters, by reaſon of the before-mentioned obſtruction, though the Bank was in height no leſs than *xv*. foot on each ſide: And that before this obſtruction was ſo made, whenſoever there was any occaſion for the repair of the ſaid Bank, or raiſing it higher, the agiſtment of every Acre of Land in thoſe parts, at an half-peny, was ſufficient for the ſame; but that then, through the overflowing of thoſe waters, every Acre was agiſted at *iiii*d. and that by reaſon of the ſaid obſtruction, no leſs than *xl*. thouſand Acres of Moor and Mariſh ground in **Holand fen**, were overflowed and drowned.

And they farther ſaid, that the Abby of **Croulande** was founded by the Progenitors of the King's of **England**; and that two thouſand Acres of Land, Meadow, Moor and Fen, belonging thereto,

thereto, were by means of this obſtruction overflowed and drowned; ſo that the poſſeſſions of that Monaſtery would not ſuffice to maintain the Houſe, except the number of Monks were leſſened: and that, by means thereof, the King, in the times of Vacancie of the ſaid Abby, did loſe the benefit which might accrue to him thereby. And they ſaid moreover, that by reaſon of this obſtruction, the Lands, Meadows, Moores, Marſhes, and Paſtures, of **Deping fen**, **Burgh fen**, and **Spalding fen**, which contained ſeaven thouſand Acres; as alſo the Moor and Marſhes to the Moores of **Reſtevene**, were ſo overflowed and drowned, that the Lords and Commoners of all the Towns, adjacent on every part, had, by reaſon of that obſtruction, loſt the profits belonging to them.

And they farther ſaid, that the Common paſſage for Ships and Boats from **Crouland** to the Haven of **Lenne**, with Corn and other Commodities, had wont to be by the ſaid Town of **Outwell**, where the before-ſpecified obſtruction was; and that then they were conſtrained, by reaſon of that ſtop, to go about, by **Old Wellenhee** and **Litle port**, which is fifty miles farther than the other way; to the damage of the King and his liege people of thoſe parts, a thouſand Marks yearly.

And the Jurors for **Cambridgshire** impanelled and ſworn, did ſay upon their Oaths, that the River of **Ouſe**, deſcending from **Huntendon**, being the bounds betwixt **Cambridge** and **Huntendon ſhires**; and the River of **Nene**, deſcending from **Peterborough**, and other parts above, did meet at **Benwick** in **Cambridgshire**; and had uſed to run directly from thence, to the ſaid Port of **Lenne**, by the before-ſpecified Town of **Outwell**, untill *xxxi.* years then laſt paſt, that the ſaid Biſhop made that ſtop as aforeſaid; by reaſon whereof, the Lands, Meadows, Fens, Turbaries, and a great proportion of arable, belonging to all the Towns, betwixt **Fen Drayton**, and **Benwick** before-mentioned, unto the ſaid Town of **Utwell**, in **Cambridgshire**, and which were adjacent thereto; and for the length and bredth of about *xxx.* miles, were commonly overflowed and drowned every year; ſo that neither the owners of the ſaid Lands *&c.* nor the Commoners, had any yearly profit by them; to the damage of the ſaid King and the Inhabitants of thoſe parts, and ſuch as would paſs that way, CC^l. and upwards every year.

And they ſaid moreover, that for the reaſons aboveſaid, there was not that paſſage for Veſſells with Corn and Merchandize towards the before-mentioned Port, as had uſed to be, neither in going nor returning, except by **Old Wellen hee** and **Lytle port**, which is *xxxvi.* miles about.

And the ſaid Jurors being asked how much the ſaid Mannour of **Coldham** was then more worth annually, than it had been before that ſtop was ſo made; they anſwered *xl^l.* by the year.

And the Jurors for **Huntendonſhire**, empanelled and ſworn, for the ſame purpoſe, ſaid upon their Oaths; that whereas men would paſs from the Towns of **Jakele**, **Holme**, **Glatton**, and **Ramſey**, by the River of **Nene**, directly towards the Haven of **Lenne** aforeſaid, with navigable Veſſels laden with Corn and other vendible commodities, by the ſaid Town of **Outwell**; they were then hindred by the ſaid Dam, that they were conſtrained to go about more than fifty miles.

And they farther ſaid, that all the Meadows, Lands, Paſtures, Fens, and Turbaries, from the Town of S. *Neots* in **Huntendonſhire**, lying adjacent or neer to the River **Ouſe**, in length *xxx.* miles, and in bredth *x.* miles, more or leſs, unto the Town of **Benwike**, where the Rivers of **Ouſe** and **Nene** have their confluence: and likewiſe the Lands, Meadows, Paſtures, and Fens of all the Towns, betwixt **Aylington** in that County, unto a place called **Muſtcote** in the Fen, which is *xvi.* miles, in floud times were overflowed and drowned, by reaſon that they could not paſs away as they had uſed to do; ſo that the Lords of thoſe Fens and their Tenants, as alſo the Commoners in them, did totally loſe the benefit which belonged to them

thereby; to the damage of the ſaid King and Inhabitants of thoſe parts, ſix hundred Marks by the year.

And they ſaid moreover, that the ſaid King was Lord of the Mannour of **Glatton**, whereunto the Hamlet of **Holme** belonged; to which Market, men from the parts of **Lenne** and elſwhere in **Norfolk** and **Suffolk** could not paſs with their Victuals and Merchandize by Ships and Boats, nor return, by reaſon of the ſaid obſtruction; inſomuch as that Mannour of the Kings, whereunto the ſaid Market belonged, was leſs worth by ten pounds *per annum*, than formerly.

And the Jurors for the County of **Northampton**, empanelled likewiſe and ſworn, ſaid upon their Oaths, that the River of **Neene** had wont to paſs directly from **Peterborough** to the Port of **Biſhop's Lenne**, whereby the men of that County uſually carried Merchandize, Corn, and all manner of Victual with Ships and Boats, by **Outwell** in **Norfolke**, untill within *xxxi.* years then paſt, that the ſaid *Walter Langtone*, late Biſhop of *Cov.* and *Lich.* obſtructed the courſe of the before-ſpecified water; inſomuch as all perſons, who had a deſire to go from **Peterborough** unto that Haven, were conſtrained to go by **Old Wellenhee** and **Litil port**; which in going and coming is a farther Journey by fifty miles.

And they alſo ſaid, that, by reaſon thereof, the Marſhes of **Burgh fen**, **North fen**, **Tainholt fen**, as alſo the Lands, Meadows and Paſtures adjacent to thoſe Fens, were overflowed and drowned, when any floud of waters hapned, in regard that the ſaid waters could not paſs as they formerly had done; ſo that the Lords of thoſe Fens, with their Tenants, as alſo the Commoners in them, did loſe the profit unto them belonging; to the damage of the ſaid King and the Inhabitants of thoſe parts, fifty Marks *per annum*.

Upon all which Verdicts, the ſaid *Adam de Fincham*, then the King's Attorney, was appointed to wait for judgment therein. And on the morrow after the Feaſt of S. *John Bapt.* next after the ſaid *xv.* of the holy *Trinity*, the King ſent his ſpecial Precept to the ſaid *Geffrey* and his fellow Juſtices; whereby, reciting what had paſſed, he commanded them to proceed to judgment therein, according to the Verdicts aforeſaid: which Precept beareth date the third day of *July*, in the year above-mentioned. Whereupon they gave this following Sentence; *viz.* that whereas by the Jurors for the County of **Norfolk**, it was found, that the before-ſpecified Dam was made at **Outwell**, by the ſad *Walter de Langeton*; and that *Robert Peverell*, his Brother and Heir; as alſo *Edmund*, Son and Heir to the ſaid *Robert*, did at ſome times repair the ſame: and that this obſtruction was to the damage of the King, and the ſaid Inhabitants of **Norfolk** *CC*l. *per annum*.

And whereas it was likewiſe found by the Jurors for the Counties of **Cambridge**, **Huntendon**, **Lincolne**, and **Northampton**, that the lands of **Thorney fen**, **Ramſey fen**, and other, were ſo drowned aforeſaid; they decreed that the ſaid Dam, ſo raiſed to the hurt of the ſaid King, and nuſance of all the perſons before-mentioned; and whatſoever elſe was of nuſance in this behalf, ſhould be taken away: Whereupon the Shireeve of **Norfolk** had command to pull it down. And in like ſort, the Shireeves for the Counties of **Cambridge**, **Huntendon**, **Lincolne**, and **Northampton**, were required to make the like Proclamation within their reſpective Liberties; *viz.* that all perſons concerned therein, ſhould be at **Outwell** aforeſaid, to aid the ſaid Shireeve of **Norfolk**, in pulling down of the ſaid Dam.

After this, about five years, (*ſcil.* in 10 *E.* 3.) *John de Shardlowe*, *Simon de Drayton*, *John de Colvill* and *John Claver* were appointed [t] to enquire touching the decay in the Sea-banks and Sewers in theſe parts about **Wiſebeche**, **Tyd** *S. Giles*, **Elme**, **Leverington**, and **Neuton**, with the parts adjacent; and to take ſpeedy order for their repair.

[t] Pat. 10. E. 3. p. 1. m. 40. in dorſo.

And in 12 *E.* 3. the King being informed

med, that the Banks, Ditches, and Sewers about **Wyſbeche**, **Elme**, and **Welle**, were broken and out of repair, iſſued a Commiſſion [u] unto Mr. *John de Hildeſley* Chancellour of his Exchequer, *Richard de Bayeux*, *John de Wilton*, *John de Stoken*, and *Will. Neuport*, to enquire thereof; and through whoſe default they became ſo ruinous; and who were Land-holders thereabouts, or had ſafeguard by the ſaid Banks; and to diſtrain them for their repair, according to the proportion of their Lands.

[u] Ex vet. cod. MS ad Abb. de S. Edmundo quondam ſpectante, nuper verò penès *Joh. Willughby* Eq. aur. f. 417.

By virtue of which Commiſſion the perſons above-mentioned did intend to ſtop the River of **Nene**, running to a certain Fiſhing, called **Livermere**, lying in the Town of **Welle**, and belonging to the Abbot of *S. Edmundſbury*; but were hindred from ſo doing.

After this, the next year following, the ſaid King, receiving advertiſement, from the Inhabitants of the before-ſpecified Towns of **Elme**, **Welle**, and **Wiſebeche**, on the South ſide of **Wiſbeche**; that though it had been found by an Inquiſition, taken before the above mentioned Commiſſioners, that the ordinary and chief ſafeguard for the ſaid Towns of **Elme**, **Welle**, and **Wiſebeche**, on the South part of the River of **Wiſebeche**, would be by a Cauſey to be made at **Gongeſted lake**, unto the **Crike**; and thence unto **Marche dyke**; and that the **Crike** ſhould be wholly ſtopt up; and that the ſaid Towns could not be preſerved, unleſſe that were done: and moreover that though the ſaid Inhabitants had often requeſted thoſe Commiſſioners; that, foraſmuch as the ſaid Cauſey, and ſtop, being made, would much redound to the common benefit of the ſame Towns, they would cauſe them to be done; and that at that time nothing was, nevertheleſſe, performed therein: he required them, that in caſe it were ſo, they would forthwith call ſuch perſons before them, as they ſhould think fit to make uſe of therein, and to proceed in effecting the ſame, according to the tenor of his Commiſſion.

[w] Ib. f. 418. & 419.

Whereupon a Jury being ſummoned to attend them upon the *Saturday* next after *Mochaelmaſs* day, and there ſworn, did ſay upon their Oaths; 'that the common and principal ſafeguard, for the whole Town of **Elme**, **Welle**, and **Wiſebeche**, on the South ſide of **Wiſebeche**, would be by making of a Cauſey from **Gongeſted lake** to the **Crike**; and from the **Crike** to **Marche dike**; and that the ſaid **Crike** ſhould be utterly ſtopt up: as alſo, that the ſaid Cauſey ought to be *xvi* foot in bredth, and four foot in height; and all theſe things to be done at the charge of the Land-holders of **Elme**, **Welle**, and **Wiſebeche**, on the South ſide as aforeſaid, from **Mermaunde** unto the houſe of *John de Vernon*: and they ordained, that for the performance thereof, every acre of Land in **Elme**, **Welle**, and **Wiſebeche**, within the Precincts before-ſpecified, ſhould be agiſted at *ii d.* and more if need required.

But afterwards, at a Seſſion of Sewers held at **Wiſebeche** by the ſame Juſtices, came the free-holders of **Tyd**, **Neuton**, **Leverington**, and **Wiſebeche**, on the North part of the River of **Wiſe**; and alleged, that the obſtruction of that **Crike** ought not to be permitted; becauſe if it ſhould be made, the water running through that Chanel, called the **Crike**, would ſo riſe, increaſe and ſtand upon the Fen-bank of **Wiſebeche**, and **Leverington**, as that the Tenants of thoſe Towns, *viz.* **Wiſebeche** and **Leverington**, could not be able to maintain them; but their ſaid Banks would be broken, and their Lands totally drowned and loſt; whereby more damage by half would happen to thoſe Towns, than benefit to the Towns of **Elme**, **Welle**, and **Wiſebeche**, on the South ſide.

VVhereunto the ſaid Tenants of **Elme** and **Welle** anſwered, that the water of **Crike**, had then ſo ſwift a courſe by **Welle**, unto the River of **Wigenhale**, that though the ſaid **Crike** were ſtop't, as was contained in the before-ſpecified Ordinance, the water running by the ſame **Crike** would never turn towards **Wiſebeche**, nor do any hurt. And they farther ſaid, that the **Crike**, where the water then

ran, was the proper and ſeveral ſoil of the Biſhop of **Ely**, which Biſhop might lawfully, at his pleaſure ſtop the ſame. Whereupon came the Abbot of S. **Edmundsberry** by his Attorney, and claimed a certain fiſhing in the ſaid water of **Crike**, of the gift of *Canutus* ſometime King of **England**; and brought a Precept from the King, directed to the ſaid Commiſſioners, reciting a confirmation made to the ſaid Abby by the before-ſpecified King *Canutus* and other his Progenitors (*inter alia*) of certain Lands and fiſhing, which *Ulfkytell* had in **Welle**: And that though the ſaid fiſhing was then (*viz.* when this Inquiſ. was taken) called **Livermere**, and in the Town of **Welle**, which was before called **Wylla**, and in the County of **Cambridge**: and that a certain water called **Nene**, had time out of mind ran to the ſaid Lake, and did then ſo do; and that the ſaid Abbot and his Predeceſſors, had ever had the ſaid Lake or fiſhing, with the courſe of that River of **Nene** running thereinto, and peaceably enjoyed the ſame; the ſaid Commiſſioners, by Virtue of the King's Letters Patents, for the view and repair of the Banks, Ditches, and Sewers in that County; and by colour of an Inquiſition taken before them, without any notice given to the before-ſpecified Abbot, intended the obſtruction of the ſaid water-courſe, wherein, in caſe they ſhould proceed, the ſaid Abbot would totally loſe the benefit of his ſaid fiſhing, to the damage of the King himſelf; becauſe that the profit thereof, with the benefit of the other Lands belonging to that Abby, being of the ſaid Kings Patronage, ought to belong unto the Crown in the time of every Vacancy: he therefore required them, that they ſhould not make any attempt therein to his prejudice, without conſulting with him.

Whereupon the *Wedneſday* next before the Feaſt of the bleſſed Virgin being aſſigned, the ſaid Commiſſioners ſate again; at which time the ſaid Inhabitants of **Elme**, **Welle**, and **Wiſebeche**, brought the Kings Writ, by virtue whereof, the Bayliffs of **Tyd**, **Neuton**, **Leverington**, **Wiſebeche**, **Elme**, and **Welle** were required to ſummon *xij.* of the moſt ſubſtantial men in every of the ſaid Towns, to appear at the Caſtle of **Wiſebeche** before the ſaid Juſtices upon *Wedneſday* next after the Feaſt of S. *Luke* the Evangeliſt, there to perform what ſhould be enjoined them, on the ſaid King's behalf touching the obſtruction of that **Crike**. And the ſaid King did likewiſe iſſue out another Precept [x] unto the before-ſpecified Juſtices, that after their ſaid Seſſion, they ſhould upon the *Octaves* of S. *Hillary*, under their Seals, tranſmit the Record of their proceeding therein unto him; to the end, that upon peruſal thereof, he might conſider what farther to do therein, according to the Law and Cuſtome of this Realm.

[x] Ib. f. 420.

The next enſuing year (*ſc.* 14 *E.* 3.) *John de Hederſete*, *John de la Rokele*, and *Hugh de Walton* were aſſigned [y] to view the Banks and Sewers on both ſides the water of **Well Ee**, within the Town of **Waterwell**, on the borders of **Norfolk** and **Cambridgſhire**; and to take order for their repair.

[y] Par. 14. E. 3. p. 1. m. 17. in dorſo.

And the ſame year, at a Seſſion of Sewers, held at **Wiſebeche**, upon *Monday* next after the Feaſt of S. *John Baptiſt*, for ſafeguard of the Towns of **Elme** and **Welle**, it was ordained, [z] that there was a neceſſity of mending and raiſing the Bank, called the **New diche**, lying betwixt the Rivers of **Elme** and **Welle**, full two foot more than it was at that time in the higheſt place; and ſo, beginning by the Level of **Fryday bigge**, to **Charite Crouch**; thence to **Gongſted lake**, according to the ſame Level, height and thickneſs; thence to the **Coweſtowe**; thence to the Garden of the Prior of **Weremaund**; and thence to **Lakebigge**; every man to make his frontier of the ſame height, thickneſs, and Level. And they alſo decreed, that from **Gonſted lake** unto **Charite Crouch**, no man ſhould come neer the ſaid Bank, called the **New diche**, for to mow or dig, for the bredth of ten perches towards **Coxemere**, and **Pendmere**, except for the mending of the ſaid Bank; and that to be done by common aſſent.

[z] Ex præf. Cod. MS. penès *O. S. John* Arm. f. 43. a.

And they likewiſe ordained, that a Clow of five foot in bredth, and in depth two foot, ſhould be made at the

Lake

Lakebrigge, to carry away the waters betwixt the Newdiche and Bishops diche, at the charges of those who had Lands and Commons within those places. And that one Clow should also be made at Frydaybridge, and another at the Stone-Crosse in Outwell, for avoiding the waters of Needham, each of them of the same bredth and depth as abovesaid; and to be done at the costs of all those who had lands within the Bishopsdiche, and Needham diche; and within the River of Elme, and the Greendiche and Thorndiche.

And they moreover ordained, that the old Sewer of Delford, unto the Stone-Crosse, should be clensed and digged as it ought to be, at the charges of Needham; and that every Ditch drawing water to the said Sewer, should be opened at all times of the year, wherein water could run. And that Plisdrove should be raised in each low place; and that from the same little Drove one Crest should be made into the large Drove, unto the Grenediche, having a Causey for Common Drift of Cattel at all times of the year, and this to be done at the charge of Upwell and Outwell; and that all Slades and low places in the same Drove and ways, be amended at the charge of the Towns, each for themselves.

And they likewise ordained, for Drayning of the Lands at Bodebeche, that there should be three Pipes placed; the first of one foot square every way; and this to be fixed in the Bank, sometime belonging to *Gilbert atte Delf*, neer the Milne hill; the second in the Bank of *Christian de Beaupre*, opposite to the School, being two foot in bredth, and one foot in depth; and the third in the antient Sewer, to be a foot square on every side: All which Pipes to be made at the charge of the Landholders in Bodebeche.

And they also ordained, that the frontier of the Abbot of Dertham, in Bodebeche should be stopt; and that for the future no man should dig Turfs, nor Slakkes in the common Droves of Elme and Welle, for dieving of flax or hemp in the common Ditch and Sewer, to the nusance of the Commonalty; except by the oversight and appointment of the Guardians, which were to be deputed for the present. And that the Bank called the New diche, extending from Charite Crouch to the Prior of Meremound's Garden, should be anew repaired equally, and afterwards agisted. And also, that the breaches in Bishopesdiche and Needham diche should be repaired: and moreover, that all the Frontiers of the Cauledrove unto Frydaybrigge, and thence to *Eustace le Vernoun's* Drove, should be stopped up.

And they also ordained, that one stop should be made in Oldfield, neer to the Se diche, in the Ditch of *Raphe atte Field*; and to be in thicknesse eight foot, at the charges of the said *Raphe*. And that the Floud-gates of Elme, as also the old Bridge, together with the great Bridge neer to the Church of Elme, should be newly repaired and amended at the charges of the whole Town. And that for the repair of the said New diche, every Acre of land, from thence to Needham diche, should pay a penny: and every Acre from Needhamdiche unto..... and Vernons field, and the Infield and Brodbechefield an half peny; and either more or lesse as need should be.

About this time (I suppose it to be, though it have no date, that) there was a Survey[a] made of the Marshes about Wilebeche, as followeth; whereby it was found, that the Marsh called the Heyken, belonging to the said Manour of Wilebeche, and to the Towns of Leverington, Neuton, Tyd, Elme, and Welle, within the liberty of Ely, did begin at the Shore, and continued from thence to the Horshoue, by the old River; thence to the Ditch of *Robert de Marsh*; thence to Wride, by the Bank belonging to the Abbot of Thorney, unto the two furlongs beyond the Knor: thence to Orchard sled; thence to Stod path; thence to Wipe, by Dede hee, unto Wimers; thence to West ken cote, by the said River; thence to Wilemouth; and thence by Swerdesdelf to Great Crosse; and from Great Crosse by Hiden hee, to Quedale; and so to Wercheford by the Crike and the Heyront, unto Eching hee; and so all along beyond Heyront to Thermercote;

[a] Ib. f. 14. a.

ran, was the proper and ſeveral ſoil of the Biſhop of **Ely**, which Biſhop might lawfully, at his pleaſure ſtop the ſame. Whereupon came the Abbot of S. **Edmundsberry** by his Attorney, and claimed a certain fiſhing in the ſaid water of **Crike**, of the gift of *Canutus* ſometime King of **England**; and brought a Precept from the King, directed to the ſaid Commiſſioners, reciting a confirmation made to the ſaid Abby by the before-ſpecified King *Canutus* and other his Progenitors (*inter alia*) of certain Lands and fiſhing, which *Ulfkytell* had in **Welle**: And that though the ſaid fiſhing was then (*viz.* when this Inquiſ. was taken) called **Livermere**, and in the Town of **Welle**, which was before called **Wylla**, and in the County of **Cambridge**: and that a certain water called **Nene**, had time out of mind ran to the ſaid Lake, and did then ſo do; and that the ſaid Abbot and his Predeceſſors, had ever had the ſaid Lake or fiſhing, with the courſe of that River of **Nene** running thereinto, and peaceably enjoyed the ſame; the ſaid Commiſſioners, by Virtue of the King's Letters Patents, for the view and repair of the Banks, Ditches, and Sewers in that County; and by colour of an Inquiſition taken before them, without any notice given to the before-ſpecified Abbot, intended the obſtruction of the ſaid water-courſe, wherein, in caſe they ſhould proceed, the ſaid Abbot would totally loſe the benefit of his ſaid fiſhing, to the damage of the King himſelf; becauſe that the profit thereof, with the benefit of the other Lands belonging to that Abby, being of the ſaid Kings Patronage, ought to belong unto the Crown in the time of every Vacancy: he therefore required them, that they ſhould not make any attempt therein to his prejudice, without conſulting with him.

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[y] Pat. 14. E. 3. p. 1. m. 17 in dorſo.

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And they moreover ordained, that the old Sewer of Delford, unto the Stone-Crosse, should be clensed and digged as it ought to be, at the charges of Needham; and that every Ditch drawing water to the said Sewer, should be opened at all times of the year, wherein water could run. And that Pitsdrove should be raised in each low place; and that from the same little Drove one Crest should be made into the large Drove, unto the Grenediche, having a Causey for Common Drift of Cattel at all times of the year, and this to be done at the charge of Upwell and Outwell; and that all Slades and low places in the same Drove and ways, be amended at the charge of the Towns, each for themselves.

And they likewise ordained, for Drayning of the Lands at Bodebeche, that there should be three Pipes placed; the first of one foot square every way; and this to be fixed in the Bank, sometime belonging to *Gilbert atte Delf*, neer the Milne hill; the second in the Bank of *Christian de Beaupre*, opposite to the School, being two foot in bredth, and one foot in depth; and the third in the antient Sewer, to be a foot square on every side: All which Pipes to be made at the charge of the Landholders in Bodebeche.

And they also ordained, that the frontier of the Abbot of Dereham, in Bodebeche should be stopt; and that for the future no man should dig Turfs, nor Slakkes in the common Droves of Elme and Welle, for dieving of flax or hemp in the common Ditch and Sewer, to the nusance of the Commonalty; except by the oversight and appointment of the Guardians, which were to be deputed for the present. And that the Bank called the New diche, extending from Charite Crouch to the Prior of Weremound's Garden, should be anew repaired equally, and afterwards agisted. And also, that the breaches in Bishopesdiche and Needham diche should be repaired: and moreover, that all the Frontiers of the Causedrove unto Frydaybrigge, and thence to *Eustace le Vernoun's* Drove, should be stopped up.

And they also ordained, that one stop should be made in Oldfield, neer to the Se diche, in the Ditch of *Raphe atte Field*; and to be in thickness eight foot, at the charges of the said *Raphe*. And that the Floud-gates of Elme, as also the old Bridge, together with the great Bridge neer to the Church of Elme, should be newly repaired and amended at the charges of the whole Town. And that for the repair of the said New diche, every Acre of land, from thence to Nsedham diche, should pay a penny: and every Acre from Needhamdiche unto..... and Vernons field, and the Infield and Brodbechefield an half peny; and either more or lesse as need should be.

About this time (I suppose it to be, though it have no date, that) there was a Survey[a] made of the Marshes about Wisebeche, as followeth; whereby it was found, that the Marsh called the Heyken, belonging to the said Manour of Wisebeche, and to the Towns of Leverington, Neuton, Tyd, Elme, and Welle, within the liberty of Ely, did begin at the Shoke, and continued from thence to the Horshoue, by the old River; thence to the Ditch of *Robert de Marsh*; thence to Wride, by the Bank belonging to the Abbot of Thorney, unto the two furlongs beyond the Knot: thence to Dychard sled; thence to Stod path; thence to Wipe, by Dede hee, unto Wimers; thence to Wesk fen cote, by the said River; thence to Wisemouth; and thence by Swerdelvelk to Great Crosse; and from Great Crosse by Hiden hee, to Quedale; and so to Wercheford by the Crike and the Heyront, unto Eching hee; and so all along beyond Heyront to Thermercote;

[a] Ib. f. 14. a.

cote; and from Tharmares to Stanimeres; and thence all along, farther, unto Pealyswere; and so by Hold Wellen hee to Minested, and thence to Shrewid hill, where the said Towns ought to Common together with their Cattel, Horn under Horn: Saving always to the Bishop, his Royalty and Fishing within the said bounds.

In 21 *E.* 3. Sir *John de Colvile* Knight, *John de L'isle*, *John de Dayvile*, *Hugh de Walton*, *Adam de Walsokne*, and *Will. de Neuport* were constituted [b] Commissioners for the view and repair of the Banks, Ditches and Sewers in the Towns of Dodington and Elme. The like Commission [c] in 24 *E.* 3. had the said Sir *John de Colvile*, *John de L'isle*, *John de Pelham*, *Hugh de VValton*, *Adam de VValsokne*, and *VVill. de Neuport*. So also in 26 *E.* 3. had [d] *John de Colevill*, *John de Pelham*, *VVill. Muchet*, *James de Grauncecete*, and *Hugh de Walton*.

In [e] 32 *E.* 3. Sir *Robert del Ilde* Kt. Sir *John de Colvill*, Sir *John de Wilton*, and Sir *John de Vernoun* Kts. *Thomas de Ba*, *Hugh de Walton*, *Thumas de Welsh*, and *Nich. de Massingham*, for those Banks upon the Sea coast, within the Hundred of Wysebeche and Town of Marchesord, in this County. And in [f] 37 *E.* 3. *Laurence de Flete*, *John de Wilton*, *Hugh Lovet*, *John Hoode*, *will. Hyptofyt*, and *Nich. de Massyngham*, for all those in the Towns of Wisebeche and Leverington, with the Hamlets of Neuton, Elme, Welle, & Marchford.

By virtue of which Commission, the said *Laurence* and his associates sate at ..... on *Thursday* [g] next after the Feast of the *Annunciation* of our Lady; and upon Inquisition made touching the premisses, they ordained [h]; that the Pipe lying under the River of Elme, at the house of *John Massingham*, should be repaired; and that a Clow should be made, to the end, that no water might passe from that Pipe unto Jeccons gote, but in a measure, and under the Chanel; upon penalty of stopping the said Pipe in Elme, at that house.

And they also ordained, that a Causey should be made in the Smal dyove, in bredth eight foot, and in height three, at the charge of all the Landholders in the Newland, on the South part of the River of Wisebeche: and likewise that another Causey of the like bredth and height, should be made from the Smal dyove unto the Land of *Gilbert Hillary*, where need required, at the charge of the Landholders in Beckdale field.

And that all the Inhabitants of Elme should, at their charges scour & repair the Pipe lying under the Sewer of Elme, at Hillary dich, to the land of *Will. Porter*.

And they likewise ordained; that a Clow should be made in Elme, at the end of Hillary dich, in bredth two foot, and in depth as much, at the charge of the Landholders drayning by that Clow: And that when the River is low, that no water do run through the said Clow, but in the Chanel; so that all the Lands of Wisebeche, lying there, have no damage by the said water. And if any one of Elme, or any other person whatsoever shall transgress this present Ordinance, that then it may be lawfull for any Inhabitant of Wisebeche to stop the water, so running through that Clow.

And they farther ordained, that the said Bank called Hillaries diche, should be amended and raised higher by three foot, and made eight foot in bredth from the said Clow to the River of Wysebeche, at the charge of all those that had benefit by the same Clow. And that all the Heddings of the Middle dole be stopt with Clotes: As also that a sufficient Bridge be made in Hillary diche, betwixt the Lands of *Henry Fayer* and *Will. Loke*. And that all the Crests and Clotes be sufficiently made, betwixt the said Lands, from Hilaryes dich to Brig diche.

And they moreover ordained, that a Causey should be made, from the old River of Elme to the River of Wisebeche, in the Brig dyove; in height three foot, and in bredth eight, at the charge of the Inhabitants of Elme. and Brig field. And that a sufficient Bridge be made in the Brig dyove, at the end of *John Mudfish* his lands, at the charge of the Inhabitants of Elme. And likewise a Causey, from the said Bridge, unto the Pipe, lying over the River at Heldyove; which Causey to be three foot in height, and eight foot in bredth; and to be done at the charge of the Land-holders of Elme drayning

[b] Pat. 21 E. 3. p. 1. m. 36. in dorso.

[c] Pat. 24 E. 3. p. 2 m. 27. in dorso.

[d] Pat 26 E. 3. p. 1. m. 24. in dorso

[e] Par. 32 E. 3. p. 1. m. 30. in dorso.

[f] Pat. 37 E 3 p. 1. m. 46. in dorso.

[g] Ex præf. cod. MS.

[h] penes O. S. *John*, f. 47. a.

ing thereby. And that the Inhabitants of **Elme** ſhould at their own charges cleanſe and repair a certain Pipe in **Wiſbeche**, lying over **Weelgrove**, under the Sewer of **Elme**, running by **Boulſtre brigg**.

And they likewiſe ordained, that a Clow ſhould be made at **Boulſterbrigg**, in height two foot, and in depth as much, at the charge of all the Landholders there; but not ſuffered to run, otherwiſe than when that Clow, which was to be made at the end of **Hillary diche**, did run; upon penalty of ſtopping up the Sewer of **Elme** at **Boulſterbrigg**. And that a Cauſey, lying in **Reynold's grove**, be made, from **Flemyng's grove** to the River, three foot in height, and eight foot in bredth, at the charge of all the Landholders in **Longland**. And that the drayn of the Vicaridge Lands in **Wiſebeche**, called the **Werch**, or the **Weares**, ſhould be raiſed three foot in height, and eight foot in bredth, at the croft of *John Simonde*, at the charge of all the Landholders in **Elme**, that drayned thereby.

And they moreover ordained, that **Weesgrove**, **Bolney hirſt drayne**, and **Cromediche** ſhould be raiſed and amended in all places needfull, by a Cauſey of three foot in height and eight foot in bredth, at the charge of the Sewer at **Elme** and the Lands of **Bolnehirſt**: And that all the Pipes, Bridges, Cauſeys, Croſtes, Clotes, and Clowes, which ought to be made by the men of **Elme**, be repaired and amended, and ſufficiently made before the Feaſt of S. *Peter ad vincula*, upon penalty of ſtopping all the Sewers of **Elme**, lying in **Wiſebeche**. And that two Pipes be put in **Eaſt field** and **Sandy land** under the two Sewers in **Elme**; ſo that the water of thoſe Fields may run at **Rotiſpipe**, upon penalty of ſtopping all the ſaid Sewers.

And they likewiſe ordayned, that the Sewer on the Southſide of the River of **Wiſebeche**, beginning from the **Goule hirne**, may have its antient courſe from that Pipe, unto the Pipe lying in **Hillary diche**, under the Sewer of **Elme**: and that the ſaid Pipes be maintained by the Landholders in the new cloſe of **Elme**: and that the ſaid Sewer have its antient courſe from that Pipe unto **Newbrigg grove**; and there, either a Bridge, or a ſufficient Pipe to be made, oppoſite to the land of *Robert Cake*: and that the ſaid Sewer may have its courſe from that Bridge or Pipe unto the Pipe in **Weelgrove**, lying under the Sewer of **Elme**: And that the ſame Pipe be made and repaired (in regard it was then broken) by the men of **Elme**, if the ſaid Sewer will run any more. And, that the ſaid Sewer have its antient current from that Pipe unto **Jeconneſgate**, on the Southſide of the **Nether gate**: and that a Bridge be made neer unto the meſſuage of the heirs of *John Pateſhull*, over that Sewer; and that the ſaid Sewer be cleanſed and digged whenſoever and whereſoever need required; and that the Droves be raiſed higher, with the Earth, which is digged out of the ſaid Sewer.

And laſtly they ordained, that every Acre lying on the South of **Wiſebeche**; and every Acre on the Northſide of **Elme**, ſhould pay a peny; and more, if need require, for the repair from **Jecons gate** of that Sewer, and to amend the Pipes and Bridges of the ſame Sewer; and where need required to make them new: And moreover, that **Jeconneſgate** be amended, and new made when need ſhould be: as alſo, that every Field ſhould make the Bridges and Pipes belonging thereto; and cleanſe and ſcour their own Sewers.

In 41 *E.* 3. Sir *John de Colvill*, Sir *Raphe de Rocheford*, *Hugh Lovet* and others were conſtituted [i] Commiſſioners for the view and repair of the Banks, Ditches, and Sewers, lying upon the Sea-coaſt and otherwiſe, betwixt **Tydbrigg** and the Town of **Chaterys**. The like Commiſſion [k] in 42 *E.* 3. had Sir *Robert del Iſle*, Sir *Hugh Lovet*, and Sir *John Vernoun* Knights with others, for all thoſe in **Wiſebeche**, **Elme**, **Welle**, **Warche**, and **Warſord**, in this County.

[i] Pat. 41. E. 3. p. 1. m. 19. in dorſo.

[k] Pat. 42. E. 3. p. 1. m. 15. in dorſo.

In 47 *E.* 3. *John Cavendiſh*, and other his aſſociats, Juſtices of Sewers, by Virtue of the ſaid King's Commiſſion, [*] ſate at **Elme**, before whom it was preſented [l] by the Jurors; that a certain Bank, anciently made for ſafeguard of all thoſe Lands betwixt the River of **Wiſebeche** and the River of **Welle**, beginning at the foot-path oppoſite to the Gate of **Wiſebeche**

[*] Pat. 47. E. 3. p. 1. m. 3. in dorſo.

[l] 1 Ex prref. Cod. MS. penes *O. S. John* f. 38. a.

Wiſebeche Caſtle, and ſo extending it ſelf to Goneldich; thence to Benſted hirne; thence to Tilney hirne; thence to Mareys gate; and thence to Charitie Croſſe; and from thence to Vernouns Corner, and ſo to the River of Welle, was then almoſt broken and in decay; by reaſon whereof divers Lands and Tenements, within the precinct thereof, were overflowed by the freſh waters, to the great damage of all the Landholders there. And they ſaid; that the ſaid Bank did then contain no more than four foot in height: And therefore, for the better ſafeguard of the Town of Wiſebeche, Elme and Welle, they ordained, that the ſaid Bank ſhould be raiſed three foot higher; ſo that the whole height thereof from the Levell ground might be ſeaven foot, and the thickneſs thereof at the bottome *xxxij.* foot, and at the top *xij.* foot; ſo that the water of the Fen might not any way enter through the ſame Bank. And that every one, having Lands, Tenements, Common of fiſhing, or paſture, who might have ſafeguard, defence or benefit by the making or repair of the ſaid Bank, or loſs for the not doing thereof, were obliged, according to the proportion of their holding, to make the ſame, conſonant to the Law and Cuſtome of the Country; ſo that the Lands on the South ſide the River of Elme ſhould be agiſted upon the Bank, called the Bythopeſbyke: and that all other Lands and Tenements, betwixt the River of Wiſebeche, and the River of Elme, be agiſted upon the Sea-bank, and the Fen-bank of Wiſebeche and Elme, on the North ſide of the River of Elme.

And they ordained, that it ſhould be lawfull to any man, making his part of the ſaid Bank to the Fen, to dig and carry away Earth for the repair thereof, for the ſpace of ten perches without the ſaid Bank, without the contradiction of any man, as antiently they had uſed to do: provided, that they ſhould not dig within the length of two perches thereof, upon penalty of *xx*ſ. And they farther ordained, that neither the Lord, nor any Commoner ſhould depaſture any of his Cattel upon the ſame Bank, except Sheep, nor make any driſts with Cattel over it, for the avoiding of future damage thereto, upon penalty of a peny for every Beaſt ſo driven, or depaſturing thereon by the knowledge or default of the owner; to be paid to the Lord and Commoner to whom the repair thereof belonged, ſo often as he ſhould offend therein. And that ſuch Cattel as ſhould be found there depaſturing, or driven in manner aforeſaid, upon the ſame Bank (Sheep only excepted) to be impounded by the Bayliff of Walterſey, or *Dike Reeves* of Elme, Wiſebechs, or Welle, at Walterſey; or in the Common pound of Elme, Wiſebeche, or Welle, now made, or to be made by the Lord and Commoners; and therein to be detained, untill they ſhould ſatiſfy and pay the penalty aforeſaid, to be imployed in repair of that man's Bank which had received damage by thoſe Cattel.

And they ordained, that eight barrs ſhould be made, and ſet upon the ſaid Bank to hinder the paſſing of Cattel upon it, aſwell of Strangers as Commoners: the firſt at Walterſey, by the Biſhop of Ely; the ſecond at the Corner of Benſted hirne; the third at Hunterſtones, by the Biſhop and his Tenants of Hunterſtones; the fourth at the end of Walderſey Dyke, by the Prior of Ely; the fift neer the gate of Tilney Houſe, by the ſaid Prior of Ely; the ſixt at Coldham hithe, by the Lord of Coldham; the ſeaventh at Charite Croſſe, by the Fields of Elme; and the eighth at the end of Grenediche, next to Welle: and that the ſaid barrs ſhould be repaired and maintained, when need required, upon pain of *xx*ſ. to be paid by him to the Lord and Commoners, who ought to repair them, as often as any damage ſhould happen to the Commoners thereby. Provided nevertheleſs, that every one, at the making of his Bank, might have free ingreſs and egreſs thereto, and to amend the ſame as need requireth; and that the penalty aforeſaid ſhould be imployed to the repair thereof, as aforeſaid: And that every *Dike Reeve* of Elme, and Wiſebeche, on the South ſide of the River of Wiſebeche; and likewiſe every *Dike Reeve* of Welle, on the North ſide of the River

River of Welle, might have power, by that Ordinance, to take diſtreſſes, for the charges in making and repair of the Banks aforeſaid, as often as need ſhould require, aſwell on the part of Wiſebeche and Welle, as on the part of Elme, by turns; and ſeverally, without the contradiction of any one.

And they ordained, that Draymere diche ſhould be repaired and raiſed higher where need required, ſo that the Commoners might have chaſe and rechaſe, with their Cattel, unto their Commons: and that every man, having Lands or Tenements adjoyning, or abutting upon the ſaid Bank, called Draymereſdiche, ſhould dig and cleanſe the Frontier of his Land, eight foot in bredth; and caſt the earth ſo digg'd out upon the ſame Bank. And they likewiſe ordained, that the Bank called the Blackdiche ſhould be amended and repaired, at the charge of all the Landholders, antiently agiſted thereto: and that the Sewers of Walterſey, Coldham, and Redmorefield, with their appurtenances, ſhould be cleanſed; and the Creſts of them raiſed higher; and maintained where need required, unto the Pipes lying under the River of Wiſebeche. And, that all the Hades of the Lands abutting on thoſe Sewers, and upon all other Sewers, within that Precinct, ſhould be ſtopped *xij* foot in bredth, ſo that the water of Lech, running through thoſe Sewers, ſhould not enter into the fields, to the damage of the Lands lying therein.

And they moreover ordained, that one Clow ſhould be made at Hillarys Drove, between Wiſebeche and Elme, at the coſt of the Landholders antiently agiſted thereto, who had wont to make and repair the ſame. And that one other Clow ſhould be made upon the River of Wiſebeche, neer to the meſſuage of *Thomas Howes*, Barkere; ſo that the water coming out of the fields of Elme, by the paſſage called Upforiſgote, might Drain there, in default of a Gote called Dagarde: and that a Bank be made from that Clow, unto the houſe of *William Maſte*, Bocher, on the South ſide of that Sewer; and another Bank from the ſaid Clow, unto the houſe of *Thomas Howe*, Barkere, on the other ſide of the ſaid Sewer, for hindring the Sand brought up by the Tides, from choaking up of the ſaid Sewer.

And they likewiſe ordained, that there ſhould be a Cauſey made neer unto Maryeſbarre, whereof the one end to begin at Maryeſbarre, and ſo overthwart beyond the River of Elme, unto Loveday diche; which Cauſey to be eight foot in height, *xij* foot in bredth at the top, and thirty two foot at the bottom; and a Clow made there, at the charges of thoſe who were to have benefit thereby, for the bringing in freſh water into the River of Elme, when need ſhould be.

And they likewiſe ordained, that every perſon having Lands or Tenements, Common, Fiſhing, or Paſture, in the Towns of Elme, Wiſebeche, and Welle, within the Precinct aforeſaid, ſhould have his portion upon the Fen-bank before-mentioned, to the quantity of his holding, according to an agiſtment thereof to be made anew. And likewiſe each man, having Lands or Tenements, within the Precinct aforeſaid, to have his portion upon the Sea-bank, beginning at the houſe of *Thomas Mounpeſſon*, and extending it ſelf to the Floudgates of Elme, and ſo to Welle; each man for the quantity of his tenure, according to a new agiſtment to be thereof made. And they ſaid moreover, that the Bank before ordained, was then broken for want of repair, and that divers Lands and Tenements, within the ſaid Precinct, were drowned by the Freſh waters, to the great damage of all the Landholders there. And they alſo ſaid, that the ſame Bank ought to be repaired, aſwell in height as in thickneſſe, ſo that it might contain in thickneſſe *xxxii* foot at the bottom, and at the top *xii*. at the leaſt; and in height from the Level ground ſeven foot: And that the men of Wiſebeche, Elme, and Welle were obliged to the repair and making of the ſaid Bank, each man according to the proportion of his holding; and that the ſaid Bank could not be preſerved nor kept, except thoſe men, who had Lands and Tenements within the ſaid Precinct were new agiſted upon the Bank before ordained.

And they alſo preſented and ordained, that one Bank ſhould be made new, and begin at **Vernounes Corner**, upon **Biſhopſedike**; and ſo to extend, directly, to the Bank of **Welle**, upon the ſoyl, lately belonging to *Hamon de Vernoun* in part; and in part upon the common ſoyl; and to be of the height and thickneſſe aboveſaid; as alſo to be done at the charge of all the Landholders, for their lands lying betwixt the River of **Elme**, and the River of **Welle**. And being asked of the number of Acres, aſwell on the South part of the River of **Wiſebeche**, unto the River of **Elme**, as on the South part of the ſame River of **Elme** unto the River of **Welle**; they anſwered, that there were on the South ſide of the River of **Wiſebeche** unto the River of **Elme**, five thouſand and two hundred Acres; and on the South ſide of the River of **Elme**, to the River of **Welle**, two thouſand and ninety Acres.

Whereupon command was given to the Steward of the ſaid liberty, that he ſhould ſummon all the Land-holders, aſwell of **Elme** and **Welle**, and of the Town of **Wiſebeche**, on the South ſide of that River; as all others who had Lands or Tenements, or any Paſturage, or Fiſhing, in Fee, or for term of years, to appear before the ſaid Juſtices, at **Ely**, upon *Thurſday* next after the Feaſt of the *Epiphany*, then and there to ſhew what they had to ſay for themſelves; why all the before-ſpecified Ordinances, in each point, ought not to be inviolably kept for the future.

At which day came *John Payne*, who then proſecuted for the King, and the Steward of **Ely**; and required, that *Thomas* Biſhop of **Ely**, who had within the ſaid precinct (*viz.* in the Town of **Wiſebeche**, **Elme**, and **Welle**) divers Lands and Tenements; and that *John Simſon* of **Wiſebeche**, *Thomas Mounpeſſon*, and others, who had alſo Lands and Tenements within the ſaid Precinct, in the Towns aforeſaid, ſhould be attached to be at **Ely**, before the ſaid Juſtices at that time, to ſhew as aforeſaid. And thereupon the ſaid Biſhop of **Ely**, *Will. Streete* Lord of the Mannour of **Coldham**, Sir *John Colvill* Knight, the Prior of **Ely**, the Abbot of **Crouland**, the Abbot of **Wendling**, *John Vernoun*, *Will. Newhouſe*, *Nich. Makeſake*, Sir *Nich. Golofre*, Knight, and *John de Croſte* of **Welle**, who had Lands and Tenements within the ſaid precinct, within thoſe Towns, were ſummoned to appear at that ſaid day, to ſhew cauſe as aboveſaid. All which perſons came accordingly; and it being demanded of them, and every of them, wherefore the before-ſpecified Ordinances, aſwell relating to the Town of **Wiſebeche**, as thoſe of **Elme** and **Welle**, ought not in every point to be obſerved, according to the tenor and effect of them; they ſeverally anſwered, that as to the repair of the Bank, which beginneth over againſt the Gate of **Wiſebeche** Caſtle, and goeth to **Goneldiche**; thence to **Banſted hirne**; thence to **Tylneyhirne**; thence to **Coldham hithe**, thence to **Mareyſdam**; thence to **Charite Croſſe**, and thence to *Vernouns* Corner; and as to the making of the new Dich there, from that place, all along to the Bank of **Welle**, and ſo to the River of **Welle**: and likewiſe as to the eight barrs upon the ſame Bank, they did aſſent to them all.

And as to **Drayndike** and **Blakedike** Floudgates, and Creſts, within the ſame precinct, they did alſo concur. And as to the Aguſtment to be new made, according to the proportion that every one held, and the performance of all other things, they could neither for themſelves, nor the Towns aforeſaid, gainſay them: And therefore they did well agree and deſire, that all the ſame Ordinances ſo eſtabliſhed as aforeſaid, ſhould for the future be performed in every Article, to the full, according to the force and effect of them; and for the accompliſhment thereof, they did ſeverally oblige themſelves without any contradiction. And *John Payne*, who then proſecuted for the King, required; that *John Simmeſon*, with the reſt before-named, ſhould be compelled on the ſaid Kings behalf, for the performance of all the ſaid Ordinances: And becauſe the Court was not then determined to give judgment therein, it was adjourned until the *Wedneſday* in *Eaſter* week.

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Upon which day the ſaid *John*, with all the reſt, came; but then there was another adjournment, *viz.* unto the *Saturday* next after the *Exaltation* of the *Holy Croſſe*, in the *xlix*th year of the ſaid Kings reign. At which time the parties above ſpecified came again, but then it was alſo adjourned untill the *Wednesday* in *Eaſter* week, in the 50 year of the ſaid Kings reign. And at that time they put it off till the *Monday* after the Feaſt of S. *Michael* then next following. Upon which day all the parties before-ſpecified appearing; and in regard that the ſaid *John Simmeſon*, and the reſt, could not ſay, but that the Ordinances before-ſpecified were neceſſary and good, they obliged themſelves to the future performance of them: It was therefore decreed and ordained, that the ſame ſhould, for the time to come, be put in execution; and accordingly there was a Precept iſſued out to the before-mentioned Steward, to diſtrain the ſaid *John Simmeſon*, for the new-making of the ſaid Agiſtment, according to the form of the before-ſpecified Preſentment; and to bring the ſame, ſo made, under the Seals of the framers thereof, before the ſaid Juſtices at **Ely**, upon *Wedneſday* next before the Feaſt of S. *Nicholas* the Biſhop, then next enſuing; at which time all the perſons before-mentioned had warning to be there.

Who appearing accordingly, the before-ſpecified Steward required of the ſaid Juſtices, that the ſaid Ordinances and Agiſtment might be ratified and confirmed. Whereupon they ordained and decreed, for the better ſafeguard of the ſaid Towns and place, that the Inhabitants of **Wiſebeche** ſhould be agiſted upon that Bank, and begin to make the ſame, from the diviſion betwixt **Elme** and **Wiſebeche**; *viz.* from the Stone Croſſe neer the Houſe of *Lepers*, unto the Town of **Wiſebeche**; and thence to the River of **Wiſebeche**, directly to **Gyggeſhirne**; and to maintain and repair the ſame for the future, as often as need ſhould require, aſwell in thickneſſe as in height, according to the above ſpecified Ordinance, at their own coſts and charges.

And that the Biſhop of **Ely**, for his Mannour of **Walterſe**, and for all his Lands in **Wiſebeche** and **Elme** (within the ſaid precinct) excepting xxxu Acres of his land, lying at the **Cylere** in **Wiſebeche**; and all others, who had Lands, Tenements, Common of Paſture, or Fiſhing in the ſaid Town of **Elme**, within that Precinct, to be agiſted for the making of the ſame Bank, from **Gyggeſhirne** aforeſaid, unto **Banſtedhirne**; thence to **Tilney hirne**; thence to **Coldham hithe**; thence to **Mareys dam**; thence to **Charite Croſſe**; thence to *Vernoun*'s Corner; and ſo upon the Bank to be new made there, untill over againſt **Welhirne Move**, where the Bank of **Elme** is divided from the Bank of **Welle**. And that all the Inhabitants of **Welle**, who had lands within the ſaid precinct, ſhould be agiſted for the making of the ſaid Bank from that place oppoſite to **Welhirne-Move** unto **Welle-clote**; & thence to **Lakebrigg**, & thence to the River at **Upwell** bridg; and thence to **Outwell** bridge; and thence returning back to **Loundeſgote**, at **Elme**.

And that the men of **Elme**, who had Lands within the before-ſpecified precinct, ſhould be agiſted to make the Sea-bank from the ſaid place, called **Loundeſgote**, unto the Floudgates of **Elme**; and thence to the Stone Croſſe neer the houſe of Lepers (which is the diviſion betwixt **Elme** and **Wiſebeche**) All which Ordinances, Decrees, and Agiſtments, aſwel the parties above-ſpecified, as the Towns before-mentioned, did conſent and agree, to hold firm and ſtedfaſt for ever.

In 48 *E.* 3. Sir *Roger de Kirketon*, Sir *Raphe Rocheford*, Sir *John Colvile* Kts, and others, were aſſigned [m] to view the Sea Banks and Sewers, in the Towns of **Leverington** and **Neuton**, and to take order for their repair.

[m] Pat. 48. E. 3. p. 1. m. 30. in dorſo.

After this; *viz.* in 1 *R.* 2. there were certain Preſentments * made at **Ely**, in a Seſſion of Sewers held there, on *Wedneſday* next after the Feaſt of S. *Nicholas*, concerning the Banks, Ditches, & Sewers in **Ely**, **Dounham**, **Littleport**, **Haddenham**, **Sutton**, **Chateriz**, **Dudington**, **March**, **Marchford**, **Wittleſey**, **Elme**, **Welle**, **Wiſebeche**, **Leverington**, **Neuton**, and **Tyd S.** *Giles*; and elſwhere within the Iſle of **Ely**: the tenor whereof are as followeth; *viz.* that for the better preſervation and

* Ex præſcod. MS. penès D. S. *John.* f 41. b.

ſafeguard of the three hundred acres of land in the Town of **Elme**, on the North ſide thereof, lying in the fields called **Townfield**, **Halpenifield**, and **Inhamfield**, there ſhould be made one Bank, upon the ſoyl of the ſaid Town of **Elme**, in the Pariſh of **Elme**, for ſtopping of the ſalt water; and the ſame to be done at the charges of all the Landholders in thoſe fields: Which Bank ſo to be made, to begin at the Sea-bank at the Stone-Croſſe, being the diviſion betwixt the Lands of **Elme** and **Wiſebeche**; and ſo to go Weſtwards directly to **Cromediche**, upon the land of *John Riſtoft*; and thence directly to **Illerisdiche** in **Hanc move**, upon the land of *Reginald Toftie*; and thence by a ſtraight line unto **Illresdiche**, upon the land of *John de Walterſey*; thence to the Bank of **Bekedale**, and there to be joyned with that Bank: which Bank to be *xxiiii* foot in bredth at the bottom; and in height four foot from the Level ground. And that there ſhould be three Sluſes, or more, if need were, in the Sewers of **Elme**, under the ſaid Bank, for the letting out of the freſh water; and likewiſe ſufficient barrs to hinder the driving of Cattel to and fro upon the ſaid Bank. And they likewiſe ſaid, that there would need an acre of *John Riſtoft*'s land, valued at *Lvi s. viii d.* and of *Reginald Toſties* an acre, valued at *xlvi s. viii d.* and of *John Walterſe*'s one acre, valued at *xx s.* and no more, becauſe it was low ground; but if there were need of more, then more to be taken when and where need required, making allowance for the ſame according to that rate.

And they alſo preſented, that there was a Bank made antiently by the Inhabitants of **Wiſebeche**, beginning at **Sareſhirne**, and extending it ſelf to **Turnelake mouth**; thence to the Pipes of **Walterſe**, and ſo to **Elme Fendich**, by **Graſner**; which Bank was at that time broken for want of repair. And they ordained; that for the more and better ſafeguard of all the lands in **Elme**, lying on the South ſide of the ſaid Bank, that it ſhould begin at **Goneldiche**; & ſo croſſing the Sewer of **Walterſe**, unto **Sareſhirne**, and **Blackdiche**, and there a Pipe to be made under the ſame Bank; and ſo to extend directly to **Turnelake mouth**, and thence to the Pipes of **Walterſe**, as antiently it had wont to do; and ſo to the Fen ditch of **Elme**, ſtraight by the Mannour of **Walterſe**: Which Bank to be in part repaired, and in part made new, ſo that it might be *xxiiii* foot in bredth at the ground, and 4 foot in height from the Level earth; and to be repaired as often as need required, at the charge of all the Landholders betwixt the ſame Bank & the Bank call'd **Drayner diche**.

In 4 *R.* 2. there was a Seſſion of Sewers held at **Elme**, before *John Holt* and others, then Commiſſioners, upon the *Thurſday* next before the Feaſt of *S. Gregory*; touching the ſafeguard of the ſaid Towns of **Elme** and **Welle**: at which time, theſe enſuing Decrees and Ordinances were made; *viz.* that the portion of the Bank called **Biſhop's dike**, which extends it ſelf from the corner of the Bank, called **Vernoun's corner**, directly beyond the ſeveral land, late *Hamon Vernoun*'s, in the Fen, unto the corner of the Bank of *Will. atte Lake* and *John atte Delfe* of **Welle**, ſhould be new made in the Summer next following, as it had been decreed, formerly, by *John Cavendiſh* and his fellow Juſtices. And that the Bank of **Welle** ſhould be newly agiſted, like that of **Elme**, as it was alſo ordained; ſo that all the lands on the ſide of **Welle** were to be agiſted upon the Bank of **Welle**, called **Biſhopsdiche**, according to their proportion, in the like ſort as all the lands of **Elme** were agiſted upon that Bank in **Elme**, called **Biſhopsdich**. And they ordained, that the men of **Elme** ſhould make their moytie thereof, and the men of **Welle** their moytie, and maintain & repair the ſame, when need ſhould require, for the future. 1 lb. f. 42. 2.

And they did likewiſe ordain, for the better ſafeguard of the ſaid bank of **Elme** and **Welle**; that every man having his portion thereupon, ſhould plant VVillows oppoſite thereto, towards the Fen, for to break off the force of the waves in Floud times; as alſo for keeping of werk; and that, upon occaſion, there ſhould be Stakes in readineſs, to be made of the ſaid VVillows, for reparation thereof. And they ordained, that if the ſaid VVillows ſo planted, ſhould happen to be deſtroyed by Cattel, or otherwiſe, that they ſhould be

be doubly replanted again by the owners of the ſaid Cattel, or by thoſe which ſhould be guilty of the ſpoil, the very next ſeaſon enſuing, upon lawfull requeſt; upon penalty of *xl*ˢ. to be paid to every man ſuffring hurt in that kind: and that the *Dike-Reeves* of **Elme**, or **Welle**, ſhould levy thoſe penalties, upon requeſt made by them who ſhould be ſo injured, and collect the ſame being ſo forfeited.

And they alſo ordained; that the Banks called **Needham dyche**, & **Redmore dyche** ſhould be repaired and raiſed higher, ſo that each of them might be 18 foot in thickneſſe, at the bottom; and 7 foot in height; and that the ſaid Banks ſhould be joyned together, by the making of a Dam, over the River of **Elme**, at **Fryday bridg**, of the ſame thickneſſe and height. And that the North end of **Redmore dyche** ſhould be annexed to the Bank of **Begedale field**, likewiſe, by a Dam; to be made in the moſt proper place over **Coldham** Sewer, **Lilly field**, and **Walterſe**, with Bridges to the ſaid Sewers. And that the **Grenedyche** of **Welle** ſhould be repaired and raiſed higher, in like kind, from **Sewaleſclote** unto the Stone Croſſe at **Welle**; and a Clow of four foot in bredth, and three foot in height be made there, at the charges of all the Landholders in **Needham field**, aſwell on the part of **Welle** as of **Elme**. And that every man ſhould raiſe his frontier, towards the River of **Welle**, from the **Stone Croſſe** towards **Welleſhole**. And that the frontier ..... be raiſed higher by one foot, and all other to the ſame height: as alſo, that ſoil ſhould be taken in the River, for raiſing of the ſaid Frontiers, ſo that the River of **Needham** might deſcend into the River of **Welle**, upon penalty of *xx* s. And that the ſaid piece be levyed by the *Dike-Reeves* of **Elme** and **Welle**, and imployed towards the repair of the ſaid Sewer and frontiers; which Sewer beginneth at **Fryday bridge**, and extendeth unto the Stone Croſſe of **Welle** aforeſaid.

And laſtly, that no one ſhould permit their Swine to go upon the ſaid Bank, except they were ringed, upon penalty of a peny for each Hog, as often as they ſhould be found ſo unringed, to be levyed by the *Dike-Reeves* for the uſe of the whole Town; & that the party treſpaſſed upon, be likewiſe recompenced to the value of the damage.

In 15 *R.* 2. the Inhabitants of the ſaid Town of **Elme** complained [o] to the King, that whereas their Banks, Ditches, and Sewers, both on the Sea coaſt, and towards the fen, were, by reaſon of divers tempeſts and great flouds much broken, that their lands had been, for the moſt part ſurrounded; and did continue in ſuch ſort overflowed, ſo that they could in no wiſe drayn them, in regard that they had not any Gutter or Sewer without the Precincts of them, as the Inhabitants of other Towns had; foraſmuch as the ſoyl where the Inhabitants and Tenants of the ſaid Town uſed to have their antient Sewers, was ſo much heightned by the ſilt of the Sea, that thoſe Sewers were uterly loſt, and the water, by that means ſo obſtructed as that it could not paſſe away as it had wont to do, which did ſo impoveriſh the ſaid Townſmen, that many of them were conſtrained to ſeek new habitations, and the reſt likely to do ſo, except ſome ſpeedy remedy were applyed thereto: the ſaid King therefore appointed Sir *Thomas de Bardolf*, Sir *Tho. de Morley*, Sir *Hugh de Louche*, Sir *John Colvill*, Sir *Philip de Tilney*, Sir *John Ingleſthorpe*, Sir *Reginald Hakebeche*, and Sir *Edm. Noon* Kᵗˢ. *Will. Thirning*, *Tho. Pynchebek*, *John Markham*, *Will. Gaſcoign*, *John Richeford*, *John Styvecle*. *Tho. de Welles*, and *John Mareſchall* to view the ſame; and to take ſuch order therein as they ſhould deem meet, proceeding according to the Law and Cuſtome of this Realm.

[o] Par. 15. R. 2. m. 16. in dorſo.

The like appointment [q] had they for the Sewers in **Wiſbeche**, **Elme**, and **Welle**, ſo choak'd up with ſilt as aboveſaid.

[q] lb. m. 5. in dorſo.

After this, *viz.* in 16 *H.* 6. at a Seſſion [r] of Sewers held at **Wiſbeche**, by *John Colvile*, *Gilb. Haulteſte* and others, upon *Saturday* next before the Feaſt of S. *James* the Apoſtle, the Jurors preſented, that the Tenants of the *xl* acres of land in **Bachecroft**, in **Wiſbeche**, time out of mind, ought and had uſed to maintain a certain Bank in **Wiſbeche**, called **Wiſbeche fen dike**; *viz.* for every acre 5 foot, and had not done ſo.

[r] Ex præſ. cod. MS. penes *O. S. John* f. 61. a.

And that the Prior of Spinney and his Predeceſſors, had for the like time, for *xl* acres of land, which they had in Wiſlebeche, repaired a part of the ſaid Bank, according to the ſame proportion. So likewiſe that *Nich. Howard* had done for *xii* acres of land, which he had there.

Likewiſe that the Abbot of Thorney and his Predeceſſors, in regard of their lands in Thorney, had for the like time clenſed, and ought to clenſe and ſcour a certain Sewer, from Muſcote in Thorney, unto Thorney barr, in the ſame Town; and thence to Knarre; and thence to Wryde, both in the ſame Town; and thence to Setting lake in Wiſlebeche; and thence to Mariſkote in Thorney; and thence to South Ee dike in Wiſlebeche (which is the diviſion betwixt Cambridgshire and Lincolnshire) and that it was not clenſed.

Alſo, that the whole Hundred of Wiſlebeche, had uſed time out of mind, and ought to clenſe the before-ſpecified Sewer, from South Ee dike, in the ſaid place, unto Trokenholt in Leverington. And that the Abbot of Thorney, for his lands in Trokenholt crofts, in Leverington, had uſed, in like ſort, and ought to ſcour the Sewer of Trokenholt aforeſaid, unto Clows croſſe, in Leverington, neer to the Bank of Sutton on the North part; and then that the whole Hundred of Wiſlebeche ought to clenſe the ſame from Clows croſſe to Guyhyrne, but had not done it.

Moreover, that the Tenants of the lands called Pavys, in March, had uſed and ought to clenſe a certain Sewer, from Wardyſcote in Dodington, unto Wiſemouth in Wiſlebeche, ſo that the water might have it's paſſage to the great River of Wiſlebeche; and that it was not clenſed.

Alſo, that *Will. Vernoun*, for his Mannour of Coldham, and his partners, for the whole time aforeſaid, ought & had uſed to repair a certain Bridg in Elme, in the Drove, called Crome dike; and another Bridg in Elme, which then were broken. And that the ſaid *Will.* for his Mannour of Coldham, together with his partners, ought and had wont, for the whole time aforeſaid, to maintain a Bridge in Wiſlebeche, below the Parſonage, which was then broken: as alſo one Clow at Bolſterbrigge in Elme, with two Keys, whereof the one to be in the Cuſtody of the Guardian of the Fen, on the South part of the River of Wiſlebeche; and the other in the cuſtody of the Lord of Coldham; but that then there was no Clow at all there. And likewiſe that he the ſaid *William*, in reſpect of his ſaid Mannour of Coldham, and his partners, for the whole time aforeſaid, ought and had uſed to make a Creſt in Weesdrove, in Wiſlebeche, higher than it was at that time by three foot, and in bredth eight foot; for the which he ought to have the aid of a certain Field, called Bolnehyrſt field: as alſo a Bridg in Elme, in a ceriain Drove, called Crome-dike.

And they likewiſe preſented, that the ſaid Town of Elme had not clenſed a certain Sewer, called the River, which leadeth from Elme to Wiſlebeche, and ought to be ten foot in bredth, and of a fitting depth; ſo that the freſh water might run in the Chanel unto Wiſlebeche, and thence to the Sea. Alſo, that Marysdam, in Elme, ought to be cut, ſo as the freſh water might paſſe away by the old River of Elme, to the Sea, according to antient Cuſtome.

Alſo, that the Biſhop of Ely, and *Will. Venour*, for his ſaid Mannour of Coldham, and his partners, did uſe and ought, for the whole time aforeſaid, to repair one Bridge, lying at the Falgote in Leverington, but had not then repaired it. And that there ought to be one Dam at Bolſtrebrigg, in Elme, made by the ſaid *William*, for his ſaid Mannour of Coldham, as long as a Clow ſhould be made there.

Likewiſe, that the Biſhop of Ely, the Abbot of Croyland, *William Venour*, in reſpect of his Mannour of Coldham, *William Branch*, and all other perſons having ſeveral Fiſhing, uſed and ought to clenſe the River of Elme, called Elme Ee, from the Floudgates unto Marysdam, in Elme, and thence to Hedmere in ..... and thence to Lethermere in ..... and thence to Creke hirne in ..... and thence

thence to March Eee, becauſe they claimed Fiſhing in all thoſe places. And that *John Mannyng* of Wiſebeche, did cut one Creſt of Coldham Bank, to the general nuſance. And that the Landholders of Nymenesdole in Wiſebeche had uſed and ought to repair one Creſt in Wiſebeche, beginning at the Tenement of *Alice Cave*, and leading to the houſe of *John Algood*, in the ſame Town.

And that three Pipes newly made in a certain field, called Smalmedows, in Wiſebeche; the firſt by the Biſhop and his Participants; the ſecond by the Lord of Coldham and his; and the third by the Tenants on the South ſide of Wiſebeche, being made too large by *xij* foot, ſhould be amended. And that the Tenants of Heighmathes, in Wiſebeche, ought and had uſed to repair one Creſt in Nettoldykelane in Wiſebeche, four foot in height, and as much in bredth.

Moreover, that *will.* Prior of Ely, Sir *Thomas Tudenham* Knight; and his Tenants, ought and had uſed to repair one Creſt, beginning at the Fendike in Wiſebeche, and leading to Bellymyll bygge, in the ſame Town; thence to *Corner's* Meſſuage; on the South ſide of the Sewer, in height three foot, and in bredth four: and that all the landholders in the fields called Sayzefield, Nymandole, Flakemoze field, and Heymathes, ought to repair the ſaid Creſt, every man according to his proportion. And that the Parſon of the Church of Wiſebeche ought and had uſed to repair a Sewer in Wiſebeche, beginning at the houſe of *Reginald Rogers* in Wiſebeche, and leading into the ſame Town. And, that the Town of Wiſebeche ought and had uſed to make a Clow in the Sewer of Wiſebeche, at a certain Bridge in Neuton, neer Fytton gole, for ſtopping of the water when need required.

And they likewiſe preſented, that *John Everard* Eſquire, had ſtraightned the common River of Wiſebeche, with Nets and other Engins therein placed, to the general nuſance *&c.* As alſo, that *Will. Caus* Eſquire, and *John Greene* had done the like. And that the Abbot of Dereham had one Kedel in the Common Sewer of Wiſebeche, called Plant's were, to the common nuſance *&c.* as alſo another Kedel in the ſame Sewer.

Likewiſe, that the Town of Wiſebeche ought and had uſed to repair a Bridge in Neuton, called Butcroft bridg, which was then ruinous. And that the Biſhop of Ely, and his Participants ought and had uſed to repair a certain Bank, called Blak-dike in ..... unto the Pipe, called Waterſey Pipe; which was then in decay. And that the ſame Biſhop ought to make one Creſt in Pillary dzove, beginning at Bul'ok's lane end, and leading to Bzidg dzove, through the midſt of the lands of *Geffrey Sutton*: as alſo one Creſt from the Stow of *Geffrey Sutton*, unto the Pipe in Meesdzove, in height two foot, and in bredth ten: and one Clow at the Pipe of Meesdzove, on the South ſide of the River, with two doors thereupon, each of three foot in bredth; with two Keys, whereof one to be kept by the Bayliff of Walterſey, and the other by the Guardian of the Marſh, on the South ſide of the ſaid River.

And that the Town of Leverington ought and had uſed to make and repair one Creſt in Leverington aforeſaid, beginning at Neuton Goze dyke, and leading to Bondyſgate in Leverington, and thence to Rechmond in the ſaid Town, four foot high, and eight foot broad. And, that the Tenants of the lands in Harpsfield in Leverington, ought and had uſed to raiſe a Creſt in a certain place called Two lanes, beginning at Shoffendike in Leverington, and leading to Blak lane, in the ſame Town; in height four foot, and bredth eight. And that the landholders in Southingham, in Leverington, ought and had uſed to raiſe one Bank, called Overdiche in Leverington aforeſaid; beginning at Bellymil bzigg, and leading to Parſons dzove end, in the ſame Town; And thence to Meyſbzigge to be repaired by the landholders of Nozthinham, thence to Blakenfield by the landholders of Fenhalfield, thence to Bondysgate by the landholders of Blakelanefield, and that it ought to be two foot higher than it was at that time in the higheſt place, and in bredth *xii* foot.

Al-

Alſo, that the Landholders of **Fenhalfeild** in **Leverington**, ought and had uſed to make one High-way, called **Polly lane**, beginning at **Shokendike** in **Leverington**, and leading to **Marſlane bygge**, in the ſaid Town, four foot in height, and eight foot in bredth. And that the ſaid Town of **Leverington** ought to maintain one Sewer, beginning at the Corner of the antient Sewer in **Leverington**, neer to *Reginald Corners* houſe, thwarting the Drove, called **Fytton dyove**, unto the Houſe of *John Stokyll*, and ſo to the Sea: and the ſaid Sewer ought to be *xij.* foot in bredth only, and that it was then more than *xx.* foot in bredth.

Likewiſe, that the Biſhop of **Ely** and *will. Vennour*, for his Mannour of **Coldham**, and his Participants for his Tenements in **Elme**, ought and had uſed to repair one Bridge at **Falgote** in **Leverington**, which was then in decay.

And, that the Town of **Tyd** S. *Giles* ought and had uſed to cleanſe all the Sewers within the ſaid Town, beginning at the Sea-bank, and extending to the Fen-bank, where need ſhould require: As alſo, that the ſaid Town of **Tyd** ought and had uſed to maintain two Ward Diches in the ſame Town, called the **Thzeding** and **Sea dike**; beginning at **Averys trees** in **Tyd** aforeſaid, and leading to **Newken Dike**, in the ſame Town, in height ſix foot, and bredth *xij.* And likewiſe, that the ſaid Town ought and had uſed to repair and maintain one Bank, called **Martin's fen dike**, in **Tyd** aforeſaid, beginning at **Averyes trees**, and leading to **Welingham bygge**; in height ſix foot, and in bredth *xij.*

And that the Town of **Neuton** ought to cleanſe all the Sewers, within the ſame, beginning at the Sea-bank of **Neuton** aforeſaid, and extending to the Marſh Bank, where need ſhould require.

And that the Landholders of the thouſand Acres in **Wiſebeche**, on the South ſide of the River, and of the three hundred Acres in **Elme**, ought and had uſed to repair one Pipe at **Kinking dyove lane**, in the ſame Town, in height three foot, and in bredth eight.

At the ſame Seſſion the ſaid Jurors likewiſe preſented, [f] that the Sea-bank, beginning at **Tydde gote** in **Tydde S.** *Giles*, neer the County of **Lincolne**, and extending it ſelf unto **Bevys Croſſe** in **Wiſebeche** aforeſaid, ought to be fifty foot in height (*viz.* from the firſt ſloping thereof unto the Creſt) and in bredth at the top ſix foot: and that all the Landholders in the ſaid Town of **Wiſebeche**, as alſo in **Leverington**, **Tydde S.** *Giles*, and **Neutone**, every one according to his proportion, did uſe, time out of mind, to repair, maintain, and make the ſaid Bank; and ſo aſwell by the ſaid Cuſtome, as by the judgment and aſſignation of certain Juſtices of Sewers, in the time of the King's Progenitors, were obliged to do, according to the quantity of their Land. Whereupon, foraſmuch as it ſeeming meet to the ſaid Commiſſioners, both by the Verdict of the Jurors aforeſaid, and by their own view thereof, all parties concerned therein, then appearing, and the Statutes of **Romeney marſh**, in the like caſes publiſhed, being ſeen and underſtood; they decreed and ordained, for the ſafeguard of all thoſe Towns, that every Landholder in them, ſhould according to the proportion of his tenure, repair, maintain, and new make the ſame, as often as any defect might happen to be therein, according to the proportion of his tenure.

[f] Ex bund. de Brev. & Recordis, Walliæ &c. tangentibus. p. 18.

And they preſented, that the Landholders in the old Market of **Wiſebeche** aforeſaid, did uſe time out of mind, to repair, maintain, and new make a certain Sea-bank, from **Beuviſe Croſſe** unto the great Bridg of **Wiſebeche**, on the Weſt part of the River of **Wiſe** aforeſaid; *viz.* every man againſt his own Land; and that the ſame Bank ought to be in height ten foot, and in bredth at the top *xij.* Whereupon the ſaid Juſtices, for the conſiderations aforeſaid, did decree the ſame accordingly; and that no one ſhould caſt dung or any thing elſe into the ſaid River; nor make ſtamps; nor lay Sege-rekes, nor Dunghills, from **Geyhirne** to the Sea, upon the brink thereof, whereby the current of the

the water might be ſtraightned or ſtopt; upon penalty of xx ſ. to be paid to the Biſhop by him or them, in whom the defect in repairing, maintaining, or new-making of the ſaid Ditch, or any other the Ordinances or Statutes aforeſaid, ſhould for the future be found; as often as the ſame ſhould be.

And they alſo ſaid, that the Landholders of the Town hende of **Wiſebeche** on the North ſide of the River **Uſe**, had uſed and ought, time out of mind, to repair, maintain, and new make a certain Bank, called the **Gebynck**, from the great Bridge in **Wiſebeche** unto **Sozil dyke**. And that the Landholders in the **Fen hende** of **Wiſebeche** did uſe, for all the time aforeſaid, to repair, maintain, and new-make a certain Bank, called the **New dyke**, from **Sozel dyke** to **Gye hirne**; and another Bank, called the **Fen dyke**, reaching from **Gey hirne** aforeſaid, unto **Piggesdrove Croſſe**: and that the Landholders in the **Fen hende** of **Wiſebeche** were not able to repair the ſaid Banks of **New dyke**; *viz.* from **Soz eldike** to **Gey hirne**; and the **Fen dyke** from **Gey hyrne** to **Piggesdrove Croſſe**. Whereupon the ſaid Commiſſioners decreed; that aſwell the Landholders from the **Townhende**, on the North part the River of **Wiyſe**, as the Landholders of the **Fenhende of Wiſebeche**, ſhould thenceforth repair, maintain, and new make the ſaid Bank; *viz.* the Sea-bank called the **Ebrynke** on the North ſide of the ſaid River; *viz.* from the great Bridge of **Wyſebeche** to **Sozelsdyke**: and the **New dike** from **Sozelsdike** to **Geyhirne**; and the **Fen-dike**, from **Geyhirne** aforeſaid, to **Pigges drove**, each man according to the proportion of his tenure, as often as need ſhould require.

Leverington. And they moreover preſented; that the Landholders in **Leveringtone** did uſe time out of mind, to repair, maintain, and new-make, a certain Fen-bank in **Leveringtone**, from **Pigges drove Croſſe** unto the Cleuſe which is the diviſion betwixt **Leverington** and **Sutton**, each man according to the quantity of his land, according to an antient Agiſtment. Whereupon the ſaid Commiſſioners did decree the ſame accordingly.

And they likewiſe preſented; that the Landholders in **Leveringtone**, did uſe and ought, time out of mind, to repair, maintain, and new make a certain Bank called **Shoffendyke**, extending it ſelf from the ſaid Clouſe, to **Gozedyke** in **Neuton**; each man according to the proportion of his holding. Whereupon it was accordingly decreed.

And they alſo preſented, that the Landholders in **Neutone** uſed, time out of mind, and ought to repair, maintain, and new make a certain Bank, called the **Shoffendyke**, beginning at the **Goze-dyke** of **Neutone**, and extending it ſelf to **Tyd-Thzeddyng**, each man according to the proportion of his tenure, as often as need ſhould require. Whereupon it was decreed accordingly. **Neutone.**

And they preſented, that all the Landholders in **Tyd S.** *Giles* did uſe, time out of mind, to repair, maintain, and new make a certain Bank, called **Shoffendyke**, extending it ſelf from **Tyd-Thzeddyng** unto the **Egryndes** in **Tyd S.** *Giles*; each man according to the proportion of his Land. Whereupon it was decreed accordingly. **Tyd S.** *Giles*;

And they likewiſe preſented, that there had been time out of mind, and alſo ought to be two Clows in **Leverington**, one at **Rotelpipe**, at the charge of all the Landholders from **Newbrigge drove** in **Wiſebeche**, unto the **See dyke**; and the other at **Meyſland**, at the coſts and charges of all the Landholders from **Sozel dyke**, in **Wiſebeche**, unto **Newbrigge drove** in the ſame Town.

And they preſented, that the Prior of **Ely**, and Sir *Thomas Tudenham* K^t. ought and had wont to repair, time out of mind, one Creſt in **Tholymeſſe drove**, in **Wiſebeche**; beginning at the **Fendyke**, and extending it ſelf to **Tolymers**, in the ſame Town, four foot in height, and eight foot in bredth. And that the Landholders of **Geyhirne field**, of **Wiſebeche**, time out of mind, had uſed, and ought to repair, a certain Creſt, extending it ſelf from **Blakedyke** unto **Mariotts brigge**, in the

ſame Town, in height four foot, and in bredth eight. And that the ſaid Landholders of Geyhirnefield, did uſe alſo, time out of mind, to repair the Creſt from Maryottisbrigge to Tolymers drove, neer to the common Sewer on the Weſt ſide, four foot in height, and eight foot in bredth.

And they ſaid moreover; that the Landholders of Geyhirne Croſſe, in Wiſebeche unto Sozel dyke, ought to make and repair one Creſt upon Blake dyke, from Geyhirne croſſe to Sozel dyke aforeſaid, in height four foot, and in bredth eight. And, that the Landholders in Geyhirnfield, as alſo of the lands of *will. Cauſe*, in Tolymersfield, in Wiſebeche, ought to make and repair one Creſt from Mariottesdrove, in Wiſebeche, unto Doddesbrigge, in the ſame Town, neer to the common Sewer on the North part, in height four foot, and in bredth eight. And that all the Landholders in Rechey field, ought to make and repair one Creſt from the ſaid Clow, unto Belymylle brygge, neer to the common Sewer, on the Eaſt part, in height four foot, and in bredth eight. And that *Thomas Hyptoft* and his Tenants, ought to make and repair one Creſt in Rat Rowe, on the Eaſt ſide of the way called Tolymersdrove, unto Rat Rowe brigge, in height four foot, and bredth eight. And that the Tenants of *Hugh Sozell's* lands in Wille Lake, and of the lands of Wundeloth felde, ought to make and repair a Creſt in Gawyl drove, from Doddesbrygge to Blakedyke, in height four foot, and bredth eight.

And they likewiſe preſented, that all the Landholders of the *xxx* acres in the Town hende in Wiſebeche, ought to make and repair a certain Bank, called Belymylle dike, from Belymylle brigge unto the land late belonging to *Will. Beteyns*, in height four foot, and bredth eight. And that the Landholders in Sayersfield, in Wiſebeche, ought to make and repair one Creſt in Waldysgate, from Belymylle brigge, to Robyns brigge, in the ſame Town, in height four foot, and in bredth eight. And that the Landholders in Briggefield, in Wiſebeche, on the North ſide of the River, abutting upon Bridgedrove Eaſtwards, ought to make and repair one Creſt in Briggedrove, in Wiſebeche, in height four foot, and in bredth eight. And, that all the Landholders in Wiſebeche ought to make and repair a Clow in the Sewer of Wiſebeche, at a certain Bridge in Neutone, neer to Fytton Gole, for to ſtop the water there, when need ſhould require.

And they alſo preſented; that whereas there were three Pipes, newly made, in a certain field, called Smal medows, in Wiſebeche; one by the Biſhop of Ely and his Participants; the ſecond by the Lord of Coldham, and his; and the third by the Landholders on the South ſide of the River of Wiſebeche, they were made too big in bredth, and contrary to the Preſentment of the Jurors; it was therefore decreed, that they ſhould be amended: the ſaid Commiſſioners therefore did ordain and decree, that the Biſhop of Ely and his ſucceſſors, Sir *Thomas Todenham* Knight, *Thomas Hyptoft*, *Will. Caus* and his heirs, the Lord of Coldham and his Participants, and all others before-mentioned; and all the Landholders within the ſaid Town of Wiſebeche, as aforeſaid, ſhould for the future be charged to make, repair, and maintain all and ſingular the Banks *&c.* ſpecified in the ſaid Preſentment, according to the proportion of what they held, as often as need ſhould require.

And, for the better ſafeguard of the ſaid Town of Wiſebeche, they moreover did ordain, that the Bank, called Wiſebeche fen dike, ſhould be barred in certain places needfull, to prevent Cattel from paſſing thereon; and that haſſocks ſhould be gotten in the Fen, and laid at the foot of the ſaid Bank, in ſeveral places where need required. And that all the Landholders of Oldfield in Wiſebeche, abutting, upon the Sewer of Coldham, ought to ſtop the ends of their Ditches, beginning at Tylyy lane, unto Coldham pipe.

And the ſaid Commiſſioners alſo decreed, and ordained, that all Kedylls, Stamps, Dams, and other Engines in the River of Wiſebeche, whereby the water was in any ſort ſtraightned or ſtopped, ſhould be removed

moved and taken away: and that no man, thenceforth, ſhould make any ſtamps, dams, Kedills, or other Engines in the ſaid River, from Geyhirne to the Sea; upon penalty of C^s. to be paid to the Biſhop of Ely for the time being. And that there ſhould be a Guardian appointed for the ſafeguard of the Countrey, to overſee, open and ſhut the four Gotes of Wiſebeche, Leverington, Neuton, and Tyd S. *Giles*, yearly, at the charge of each man, according to the proportion of his lands.

And they moreover decreed, that all the Sewers belonging to every hamlet of Wiſebeche, from the Fen-banks to the Sea-bank, ſhould be well ſcoured and clenſed, at certain times in the year, by thoſe who antiently uſed to ſcour them, ſo that the water might have its courſe to the Sea without any impediment: and that all the Bridges, Clows, Pipes, and Gutters, within every of thoſe Towns, be repaired and clenſed, well and ſufficiently in all places needfull, by thoſe unto whom they belonged, as aforeſaid; ſo that no loſs might accrew to any perſon whatſoever for default of ſuch repair. And that all Banks, called *Wardyches*, betwixt every Town of the ſaid Hundred, ſhould be raiſed higher, repaired, and maintained well and ſufficiently, by thoſe unto whom they appertain, as aforeſaid; *viz.* in bredth *xvi.* foot, and of a fitting height to ſtop the water of each Town, from other; ſo that no damage might accrue to any of them, for want thereof, upon penalty of *xl^s.* to be paid to the Biſhop of Ely, for the time being. And likewiſe, that all the Creſts, aſwell betwixt every Field, as bordering on all the Sewers of each Town, within the ſaid Hundred, ſhould be raiſed higher, repaired, and maintained well and ſufficiently, in height, bredth, and thickneſs by thoſe alſo to whom they belonged, upon the like penalty of *xl^s.* to be paid to the Biſhop of Ely, for the time being: And that no man, thenceforth, ſhould preſume to cut or cauſe to be cut any *Wardiche*, or Creſt, within any of the Towns of the ſaid Hundred, under the like penalty of *xl^s.* to be paid to the ſaid Biſhop of Ely, as often as there ſhould be an offence of that kind committed. And that the river of Wiſebeche ſhould be ſcoured and enlarged, in all places defective, from Gye hirne to the Sea, as often as need required, by all the Landholders within the ſaid Hundred of Wiſebeche, each man according to the proportion of his holding.

And the ſaid Jurors alſo preſented, that the Bank, called Gzenedyke of Welle, which beginneth at the ſtone Croſs in Welle, and extendeth to Sewaleſclote in Welle, ſhould be raiſed and repaired higher than it was at that time, by two foot, and in bredth *xij.* by the Landholders in Budbeche, each man according to his proportion. And that the Abbot of Bury ought to repair one Bank in Welle, leading from Sewaleſclote in Welle, to Lakebrigge, and make it higher, than it was at that time, by two foot, and in bredth at the top eight foot. And that the Landholders in Sayerfeld in Welle, ought to repair a certain Bank in Welle, called Thornedyche, from Lowndeſgrove to the ſtone Croſs in that Town, and to make it higher by two foot than it was at that time; and in bredth eight foot. And that a certain drove in Welle, called Mylngrove, leading from Gzenedyke unto Pyſgrove, be made higher by three foot, than at that time it was, and in bredth *xij.* foot, by the Landholders in Budbeche, within the ſaid Drove.

And the ſaid Jurors alſo preſented, that there then was, and had antiently been a certain Creſt in Uppewelle, called Pyſgrove, leading from Gzenedike in Uppewelle unto the great River of Welle aforeſaid; which Creſt ought and had antiently been made and repaired by the Landholders in the ſaid Town of Uppewelle. And they ſaid, that it was neceſſary for the ſafeguard of the parts adjacent, that the ſaid Creſt ſhould be made perfect, and higher than it was at that time in the loweſt places, by three foot; and to be eight foot in bredth at the top. And that all perſons having Lands, or Tenements in the Field, called Rudbeche in Dutwelle, and Uppewelle, ought to repair a certain Gutter, neer unto the meſſuage of *Simon King*, in Dutwelle aforeſaid, whereby the water of Rudbeche might run into the great

great River of **Dutwelle**. And they also said, that for the safeguard of the Lands within the said Field of **Rudbeche**, that the same Gutter ought to be new made with Stone, by those persons who had Lands or Tenements in the said Field of **Rudbeche**. Whereupon the before-specified Commissioners did decree and ordain; that the said Bank, called **Grenedyke**, as also that leading from **Stwaleslote** to **Lakebrigge**; and the Bank called **Thornedyche**, with the Droves called **Heylgrove** and **Pyldgrove**, should be raised and repaired in manner and form above-specified, by the said parties, each man according to the proportion of his tenure, as often as need should require: and likewise that the said Gutter lying neer the messuage of *Simon King*, should be new made of stone by the parties aboveſaid.

And they moreover presented, that the Bank called **Elmfendiche**, beginning at **Kekylmylle**, and leading to **Benstedehyrne**; thence to **Thurybirn**; and thence to **Mareysham** in **Elme**, ought to be raised three foot higher, and to be six foot in bredth at the top, according to an antient agistment. And that the Bank, called **Redmoredyke** in **Elme**, beginning at **Coldham Clouse**, and leading to **Frydaybrigge** in the same Town, ought to be well and sufficiently repaired by all the Landholders in **Redmoresfield** and **Walysch-feld**, by new agistments to be thereof made; and to be made higher by four foot than it was at that time, and eight foot in bredth at the top: As also, that the Bank, which beginneth at **Frydaybrigge** aforesaid, on the Westside of the River, and reacheth to **Matyesdam**, ought to be made three foot in height more than it was, and to contain eight foot in bredth at the top.

And they also presented, that the Bank called the **Gebrynke**, in **Elme**, on the East side of the River there, beginning at S. **Gilis Grove**, and extending to **Frydaybrigge**, and from thence to **Mareysham**, ought to be repaired, and raised higher than it was at that present, by three foot; and to be twelve foot in bredth at the top; and this to be done by the Landholders in **Oldfield** and **Needham**, according to an antient agistment. And that the Bank called **Needham dyche**, in **Elme**, beginning at **Thornedyche** in **Welle**, and extending to **Coldham Kyrke**, in **Elme**, ought to be repaired, and raised higher, in all the low places thereof, so that it might be equal to the Bank of *John Blewyk*, which is upon the same Dyche.

And they likewise presented, that all persons having Lands abutting upon a certain Sewer in **Elme**, which leadeth from the hades of the Lands in **Needham**, from **Frydaybrigge** to **Knytesdyke**, in the same Town, and thence to S. *Christophers* Chapel in **Dutwelle**; and thence to the Clow at the Stone Cross in **Dutewelle**, ought and had used to repair and scour the said Sewer, at the hades of their Lands, so that the water of **Needham** might have its course to **Welleschelle**: And that all men having Lands betwixt **Frydaybrigge** in **Elme**, and **Grenedyke** in **Welle**; and betwixt **Bishopisdyke** and **Needhamdyke** in **Elme**, ought to make and repair one Clow, as sufficiently as it could be done, to stop the water of **Dutwelle** in the Winter season. Upon consideration of all which, the said Commissioners did ordain and decree; that the Bishop of **Ely** and his successors, and *Will. Vernoun*, and all the Landholders in **Elme** aforesaid, should be chardged, to make, repair, raise, and maintain all and singular the Banks and Sewers before-mentioned, in such sort as they are specified in the said Presentments, each man according to the proportion of what he holdeth, whensoever need should require.

And moreover, whereas the water of **Oldfield** in **Elme**, on the East side of the River of **Elme**, ought to have its course and issue by a Pipe lying under the River of **Elme**, called **Walsyngham's pipe**, and thence to run into the River of **Wyselbeche** at **Bevyse**: but by reason that the River of **Wyselbeche**, had for many years past, been so filled up with silt and sand, brought in by the Sea-tides, that it could have no passage there; the said Commissioners ordained, for the better safeguard of the said Town, that the said water

of

of Oldfelde, ſhould for the future paſs away by the ſaid Pipe, called **Maſſyngham's pipe**, lying under the River of **Elme**, betwixt the meſſuage of *John Blythe*, on the one part, and the meſſuage of *John Rateleſdene* on the other; and thence directly by an antient Sewer, betwixt the Land of *John Tofty*, on the one ſide, and the Land of *John Weſtbroke* on the other, unto the Drove, called **Toundrove**; and thence by the ſaid Drove on the one ſide, and the hades of the Lands belonging to *John Weſtbroke*, *John Edryche*, and **Bedylacre**, unto the Lands of *Will. Eryſwell* on the other part; and thence by the ſaid Drove on the one part, and the Land of *John Conyſbury*, and *Will. Bryſwell* on the other part, unto the Sewer called **Coldham** Sewer at **Crumdykbrigge**; and thence into the ſaid **Coldham** Sewer, unto the pipe lying under the River of **Wiſebeche**, called **Coldham pipe**; and thence betwixt the ſaid **Coldham** Sewer, unto the Floudgate in **Leverington**, called *Dieugard*; and thence to the Sea.

And that the water of **Redmorefeld** and **Walyſhfeld** ſhould not, for the future, run, or have its courſe by the ſaid Sewer of **Coldham**; but by a Pipe called **Redmore pipe**, lying at the Towns end of **Elme**; thence betwixt the Bank, called **Hillary dike**, on the one ſide, and the hades of *John Walpole's* Lands, unto the Land of *Will. Beſton* on the other; and thence thwarting the ſaid Bank, called **Hillary dike**, into the Sewer called **Walterſee** Sewer, and ſo along that Sewer unto the Floudgate in **Leverington**, called *Dieugard*, and thence to the Sea. And that all perſons having Lands in the ſaid Field of **Oldfelde**, and all others receiving benefit by the drayning away of the ſaid water, ſhould thenceforth be perpetually chardged, with the ſufficient making, repairing, and maintaining of the ſaid Pipe, called **Maſſynghams pipe**, and the ſaid Sewer, leading thence unto **Coldham** Sewer, at **Cromedyke brigge**, as aforeſaid, according to the quantity of their Lands: And likewiſe, that they ſhould contribute with *Will. Venour*, Lord of the Mannour of **Coldham**, to the making, repairing, and maintaining of the ſaid Sewer, called **Coldham** Sewer, from **Cromedike brigge** aforeſaid, unto the Sea; as alſo of the Creſt thereof; and likewiſe to the ſaid Pipe, called **Coldham pipe**, according to the proportion of their Lands, in ſuch ſort as the ſaid *Will. Venour* and his Participants had before done, according to an Ordinance for that purpoſe antiently made. And that the Creſts of **Coldham** Sewer ſhould be ſufficient for the water of **Oldfield** to run into the ſaid Sewer of **Coldham**, within the ſame, and to overflow the Lands adjoining thereto.

And they alſo preſented, that every perſon having any Ditch, abutting upon the ſaid Sewer of **Coldham**, ought thenceforth to ſtop up the ſame, with a Dam, and a Clote, ſet thereon; which Dam to be *xij.* foot in bredth, and in height equal unto the hades adjacent; ſo that no prejudice might come to the Lands lying neer the ſame Sewer, as it had been antiently ordained. And that all perſons having Lands in **Redmorefeld** and **Walyſchfeld**, ſhould thenceforth be contributory, together with the Biſhop of **Ely**, unto the ſaid Sewer of **Walterſe**, from that place in **Hillary dyke**, where the waters of **Redmorefeld** and **Walyſchfeld** do fall into the ſaid Sewer of **Walterſe**; and to make, repair, and maintain the Creſt of the ſaid Sewer of **Walterſee**, together with the ſaid Pipe, called the **Lordyſpipe**, according to the quantity of their Lands.

And they moreover preſented, that the Landholders in **Leverington**, ought and had uſed to make and repair one Bank in **Leverington**, called the **Wardyke**, and to raiſe it higher by three foot, than it was in the beſt place. And, that the ſaid Town of **Leverington** had uſed time out of mind to repair eight Bridges in **Neutone**, lying in certain places ſpecified in the Kings Records, in ſuch ſort as they had antiently done. And they ſaid, that thoſe eight Bridges in **Neutone** did lye, as followeth, *viz.* the firſt Southwards at the Clow, which was then to be repaired; the ſecond toward the frontier of *Andrew Cok*; two others at **Leverington** pipe in **Neutone**; one at **Lordilane**; one at **Childe-**

grave; one at Grenedyke; and one at Starteſgate. And the ſaid Jurors being asked, if ever any of them ſaw any of thoſe eight Bridges in any other place, than they were at that time; and they anſwered No.

And they likewiſe preſented, that the Town of Leverington, had, time out mind, uſed and ought to repair and raiſe one Creſt in Leverington, beginning at Neuton Goudyke, and leading to Bondeſgote in Leverington, and thence to Rechemound in the ſame Town, in height four foot, and in bredth eight. And that the Landholders of Harpfelde, in Leveringtone, ought and did uſe to repair and raiſe a certain Creſt in another place, called Towlanes; beginning at Shoffendike, in Leverington, and leading to Blaklane, in the ſame Town, in height four foot, and bredth eight. And that the Landholders in Southhinham in Leverington, ought and had uſed to make, repair, and raiſe one Bank called Overdyche, in Leverington aforeſaid, beginning at Belymylle bigge, and leading to Parſondroveſhunte, in the ſame Town; thence to Meysbigge, by the Landholders of Northhinham; thence to Blakelanefeld, by the Landholders of Fenhalfild; thence to Bondyſgote, by the Landholders in Blakelanefeld; and to make it two foot higher than it was at that time in the beſt place; and in bredth *xij* foot.

And they preſented, that the Landholders in Fenhalfeld, in Leverington, did uſe time out of mind, and ought to make, repair, and raiſe a certain way, called Polylane, beginning at Shoffendyke, in Leverington, and leading to Meyesbigge in the ſame Town, in height four foot, and in bredth eight. In conſideration of which Verdict *&c.* the ſaid Commiſſioners did ordain and decree that the ſame ſhould be performed accordingly; *viz.* every man according to the proportion of his holding, as often as need ſhould require.

And the ſaid Jurors alſo preſented, that there ought to be made one Sewer in Fenlondfeld, in Neutone, in bredth ſix foot, and in depth three; betwixt the land of *Martin Thompſon* and the land of *John Mendham*, at the charges of the landholders who had benefit thereby. And that another Sewer ſhould be made in the ſame field, in bredth ſix foot, and in depth three, betwixt the land of *John Rogerſon*, and the land of *Alice Pope*, at the charges of all thoſe perſons who had alſo benefit thereby. And that there ſhould be another Sewer made in Longefelde, in Neutone, of the like bredth and depth, neer to the lands of *John Derby*, called Barowsdyke, and betwixt the land of *Simon Thomſone*, from Mil-lane to Medow-lane, at the charges of all thoſe who had Commodity thereby. And that another Sewer ought to be made in the middle of the ſaid field, called Longfield, from the land of Sir *John Colvyle* Knight, neer to the land of *John Godeknape*, unto the ſaid next Sewer, in bredth ſix foot, and depth three, at the charges of all perſons having profit thereby. And that all the hades of the lands of Fytton croftes, ſhould be digged, from Doddyke to Medow-lane, in bredth eight foot, and depth four, at the coſts likewiſe of thoſe who had benefit thereby. And that all the hades likewiſe of the lands of Fytton croftes, ſhould be digg'd in bredth eight foot, and depth four, from Lowynſfendike unto Doddys, at the charges of thoſe perſons who ſhould have benefit thereby.

And they preſented moreover, that there ſhould be another Sewer made by the hades of the lands, in the middle of Oldfield, from Fytton croftes to the land of Sir *John Colevile* Knight, called Wortheynyſcroft; in bredth ſix foot, and depth three, at the coſts of all ſuch perſons who ſhould have Commodity thereby. As alſo another Sewer at Wortheynyſcroft, on the South ſide, unto Dod dyke, ſix foot in bredth, and four in depth, at the coſts likewiſe of ſuch as ſhould have profit thereby.

And they alſo preſented, that the Town of Neutone, time out of mind, ought and had wont to repair and make a certain Bank, called Lowynsfendike, beginning at Fytton, and leading to Tyd Siddyke, two foot higher than it was at that time in the beſt place; and *xij* foot in bredth. And that

that *John Symondeſon* of **Neutone**, for the whole time aforeſaid, ought and had wont to make and maintain a certain Dam at the Eaſt end of the land in **Newfield**, to reſtrain the water of the ſaid **Newfield**, from deſcending into the next field, called **Rolſefield**. And that the ſaid Town of **Neutone** ought and had wont to make and repair a certain Bank in **Neutone**, called the **Goodyke**; beginning at **Blokkys-lane**, and leading to **Shoffendyche**, in height ſix foot, and in bredth twelve. Whereupon the ſaid Commiſſioners did decree accordingly.

And the ſaid Jurors likewiſe preſented, that all the Landholders in **Newfield** in **Tyd S. *Giles***, ought and had uſed to make and repair one Creſt, in a certain field called **Beeſlane field**, in the ſame Town, beginning at **Tyd Syddike**, and extending to **Bzounesbzigge**, in height four foot, and in bredth eight. And that the Landholders in **Southfelde**, in the ſame Town, ought and had uſed to make and repair another Creſt, from **Tyd Syd dyke** to **Bzounesbzigge**, in height four foot, and bredth eight. And that all the Landholders in **Southfelde** in the ſame Town; beginning at the land of *John Houſhold*, abutting upon a certain manſion called **Beeſplace**, unto **Tyd Syd dyke**, ought, and time out of mind had uſed to make one Creſt upon **Syd dyke**, beginning at **Beeslane end**, and leading to **Averey's croſe**, in the ſame Town, four foot in height, and eight foot in bredth. And that the Landholders in **Southfelde** aforeſaid, of the lands abutting upon **Bzod gate**, ought and did uſe to repair and make one Creſt neer to the common Sewer, on the South ſide, in height four foot, and in bredth eight. And, that all the Landholders in **Bzadeſte**, of the lands abutting upon **Halcroft lane**, towards the Weſt, ought and had uſed, for the whole time aforeſaid, to make and repair a certain Sewer; beginning at the Sewer, next unto the land, called **Stokwelleſland**, unto **Bzoſſebzygge**, in bredth eight foot, and depth four.

And they likewiſe preſented, that all the Landholders of the lands in **Halcroſte**, for the whole time aforeſaid, ought and had wont to make and repair ſufficiently, the common Sewers in **Halcroſte** unto **Welmany ſtete**, thwarting the High way, called **Croſſegate**; and ſo by the land lately belonging to *Thomas Retherwyk*, and *John Mayner*, unto the land lately belonging to *John Bee* (but then to *John Hunſtone*) and ſo betwixt the land of the ſaid *John Hunſtone*, and *Iſabell Retherwyk*, unto **Sondy lane**; and there to make one Bridge of one foot in bredth, and aſmuch in depth; and ſo betwixt the land of *John Lambard*, and the land late of *Geffrey Coſyn*, unto **Sedyk lane**, and the land of a certain field, called **Blohevede**, unto the Floudgates. And that all the Landholders in **Edykfelde**, from **Blakeſlane** to **Moſſelane**, abutting upon **Edyke**, ought and did uſe to make and repair a certain Sewer at the North point of the lands of **Edykfelde**, aforeſaid, in bredth eight foot, and depth four.

And they alſo preſented, that all the Landholders in **Edykfelde**, ought and had uſed to make one Sewer, at the North end of the lands of **Edykfelde** aforeſaid, abutting upon **Edyke**, from **Blakkeſlane** to **Barrowſgrene**, in bredth eight foot, and depth four; ſo that the freſh water might have its courſe to **Blakkeſlane**, unto the great Sewer, and ſo the Sea. And, that all the Landholders in **Hozneſeld**, ought and had uſed to make and repair one Creſt in **Bzodgate**, in **Tyd S. *Giles***, on the South part of the Sewer, called **Marteyneskendyk**, unto the Corner where *Will. Hubert* then dwelt, in height four foot, and bredth ten. And that all the Landholders in **Cokley field**, ought and had uſed to make and repair one Creſt in **Botteleſlane**, from **Botteleſbzigge**, to the **Ee dyke**; in height four foot, and bredth twelve. And that all the Landholders in **Fendykfelde** and **Nozth lane feld**, ought and did uſe to make and repair one Creſt in **Blake lane**, in **Tyd** aforeſaid, from **Botteleſbzigge** unto **Tubbesbzigge**, and from the land of *John Ingleche* unto **Ee dyke**, in height four foot, and bredth eight. And that all the Landholders of the lands in **Carrowfelde**, abutting upon **Ee gate**, from **Gotebzigge** to **Nozthlane**, ought and

and had wont to make and raise one Crest in Eegate, in Tyd aforesaid, where need should be, in height four foot, and in bredth twelve. And, that all the Landholders in Tyd aforesaid, did use and ought to raise and make one Bank, called Bythopesdyke, from Tubbesbrigge unto the Ee dyke, in height four foot, and in bredth twelve.

And they moreover presented, that the Town of Tyd S. *Giles*, ought and had used, time out of mind, to make and repair, sufficiently, one Clow, or one Dam, in the Common Sewer of Tyd, next to the Land of *Simon Canchone*, and Hascroft lane, on the West-part; and another Clow or one Dam, in the common Sewer at Brownesbrigge; and another Clow or one Dam, in the Common Sewer at Wisingbambrigge; and another at Botelesslane brigge, and another at Tubbesbrigge; so also one in each of the Common Sewers at Mannyngesbrigge, Beeslane brigge, and Stonebrigge, in Kirklane. And that the said Town of Tyd ought also and did use to make, repair, and mantain sufficiently, two Banks called Wardyches in Tyd aforesaid; *viz.* the Syd dyke, and Thre dikes; beginning at Avereys trees, in Tyd aforesaid, and extending to the New fen dyke, in the same Town, higher by six foot than they were at that time in the best place; and in bredth twelve. And that the said Town of Tyd ought to raise, maintain, and repair, sufficiently, one Bank, called Marteynesfendike, in Tyd aforesaid; beginning at Avereys trees, and leading to Wesynham brigge, in the same Town, six foot higher than it was at that present in the best place, and in bredth *xij.* foot. Whereupon the before-specified Commissioners decreed, that the said Sewers and Banks should be made and raised accordingly.

And they likewise, for the better safeguard of the said Town of Tyd, did decree and ordain; that a new Sewer should be made from Brownysbrigge unto Kirklane, on the North side of Newgate; in bredth ten foot, and in depth as much as needed; so that the Rivers of Eleteslefeld, Fendykefeld, Cokeleyfeld; Hornefeld, and Rylondfeld might have their course to the House, somtime belonging to *Will. Noche*, but then to *will. Hobart*, on the North part of Brodgate; and so thwarting the Broadgate unto Brownesbrigge aforesaid, on the South side of Brodgate; and so unto the said new Sewer; and then crossing Kirklane, where a fitting Bridge of bredth and depth convenient, was to be made: and so by the hades of the Lands of Somerlesse, abutting on Kirklane, towards the West, unto Thorgereslane; and so by Thorgereslane, on the North side, unto Hascroft dyke, neer to Thestill brigge; and from Thestely brigge unto the end of Thorgareslane, unto Hascroft mylle hylle, thwarting Hascroft dyke; and so to the antient Sewer, called Brosselebrigge; and so to the Sea: which Sewer was to be made by all the Landholders of the Town of Tyd aforesaid. And, that the two Sewers, on each side Brodgate and Kirkgate, from the House of *will. Hobert* and Brownesbrigge, should be stopt up, when need required. And that one Sewer should be repaired and digged on the South part of Southgrafte feld, neer to the Syddyke; *viz.* from Childesgrave unto the Gozys, and so to Thestely brigge, eight foot in bredth, and as deep as needed, by all the Landholders in Southgrafte feld aforesaid. And that all the hade Lands of Southgrafte feld aforesaid, towards Thorgareslane, should be stopt by the Landholders there, upon penalty of *xx*^{s}. for every of them, to be paid to the Bishop of Ely, for the time being, so that the water of Southgrafte feld aforesaid might have its course to the Sea, without any impediment. And that every man having Lands or Tenements in Tyd aforesaid, might take Earth to repair and make the Shotten dyke, from the Common next to the River, which is in Tyd aforesaid, and Tyd S. *Maries*, which is the division betwixt Cambridgshire and Lincolnshire. And that the said Shottendyke should be barred in three places, to prevent Carts from coming thereon: and that a certain way in Tyd aforesaid, called Beeslane,

Beeſlane, ſhould likewiſe be barred, for the ſame reſpect, from the Feaſt of *S. Michael* the Arch angel, unto the Feaſt of S. *Peter ad vincula*, by the Landholders in Newfelde.

And they laſtly preſented, that *Thomas Floure* of Okham, in the County of Roteland, ought to repair and maintain upon the Bank called Wiſebeche Fendyche, a certain proportion, containing ſix hundred foot, in reſpect of *xxiiij* acres of land in Wiſebeche: and that upon *Monday* the Feaſt of S. *Wolſtan* the Biſhop and Confeſſor, in the ſeventeenth year of the ſaid King *Henry* the ſixt his reign, the ſame portion of that Bank was broken and decayed; and that the *Dike Reeves* aforeſaid did warn the ſaid *Thomas* to amend the ſame; which he refuſing to do, the freſh waters made the ſaid breach greater; whereby the portions of the ſame Bank, belonging to *Geffrey Lambard* and others, adjoyning thereto, were alſo broke and ruined, to the danger of deſtroying the whole Country; *MMMMCCCC.* acres in Wiſebeche, *MMMMDC.* acres in Leverington, *MCCCC.* acres in Neutone, and *MM.* acres in Tyd, being thereby, at that time, overflowed and drowned.

Not long after this, *viz.* upon *Saturday* next before the Feaſt of the *Nativity* of the bleſſed Virgin, in 17 *H. 6.* there was a Seſſion[t] of Sewers held at Wiſebeche, by Sir *John Colevile* Knight, *Gilbert Haltoft*, and others; at which time the Jurors preſented upon their Oaths, that there was a certain Sewer, called South Ee, but antiently Old Ee; whereby the water of Nene and Weland ought to paſſe from Noman's land, in Croyland, unto Doweſdale, in the ſame Town; and thence by South Ee dyke unto the Eaſt end of the field of Throkenold, in Leverington, neer the Croſſe in Leverington; and thence into the Sewer, called Fendiche, in Leverington and Wiſebeche, unto the River of Wiſebeche at Guyhirne: Which Sewer of South Ee aforeſaid, is the diviſion betwixt Lincolnſhire and Cambridgshire. And that the moytie of the ſaid Sewer ought to be ſcoured by the Abbot of Croyland, and the Towns of Quaplode, Holbeche, Fleete, Gedney, Sutton, and Tyd S. *Maries* in Lincolnſhire; *viz.* by the ſaid Abbot to Doweſdale aforeſaid; and thence by each village aforeſaid, for their proportions of land in each Town. And the other moytie by the Abbot of Thorney, and Biſhop of Ely with his Tenants of Wiſebeche Hundred; *viz.* by the ſaid Abbot for his Fens in Thorney and Leverington, bordering upon the ſame Sewer; and by the ſaid Biſhop and his Tenants, for their Fen called Wiſebeche fen, in Cambridgshire, abutting upon the ſaid Sewer.

And the ſaid Sewer, called Fendiche, ought to be clenſed by the Towns of Wiſebeche, Leverinton, Neuton, and Tyd S. *Giles*. And that the ſaid moytie of that Sewer, which ought to be ſcoured by the ſaid Towns of Quaplode, Holbeche, Fleete, Gedney, Sutton, & Tyd S. *Maries*, was not clenſed; but ſtopt up and filled with Reeds, Haffs, and other Vegetables; ſo that the ſaid water could not have its right courſe unto the ſaid Sewer, called Fendiche; and thence to the River of Wiſebeche, and ſo to the Sea, as it uſed to have; whereby the whole Fen, called Wiſebeche fen, belonging to the Biſhop of Ely, was drowned; ſo that the ſaid Biſhop and his Tenants of Wiſebeche Hundred, could not receive any benefit in the ſame.

And they likewiſe preſented, that one part of the water of Nene deſcended from the Bridge at Peterborough unto Thorney barre aforeſaid; thence to Noman's land, in Croyland: Which River the Abbots of Peterborough and Thorney ought to clenſe, from the ſaid Bridge at Peterborough, unto Thorney bart aforeſaid, and thence to Noman's land aforeſaid; *viz.* the Abbot of Peterborough the one half, and the Abbot of Thorney the other. And they ſaid, that the other part of Nene, which paſſeth from Peterborough bridge aforeſaid, unto Wodeſhed in Wytleſey; thence to Wittleſeybrigge; thence, by Wittleſey, to Wardiſcote in Wittleſey, and thence into the great River of Wiſebeche, ought to be ſcoured, from the ſaid Wodeſhed to Wardyſgote aforeſaid by the Town of Wittleſey, and

[t] Ex præſ. cod. MS. penes *O. S. Joh.* f. 69. a.

the Landholders, late *Pavy's*, in **March**; and that it was not then cleansed. And they said, that the Town of **Wittlesey** ought to cleanse one Sewer, beginning at **Goose Willow drove**, in **Wittlesey**, unto the North part of **Adernale**, in the same Town; and thence to **Brodreche** in **Wisebeche**, called **Upstanlake**; and that it was not cleansed: And that the Bishop of **Ely** ought to cleanse the said **Upstavinlake**, unto the great River of **Wisebeche**, which was not then done.

In 9 *E.* 4. *W.* Bishop of **Ely**, *George* Duke of **Clarence**, *Richard* Earl of **Warwick** and **Salisbury**, *John* Earl of **Northumberland**, *John* Earl of **Oxford**, *Humfrey Bourchier* Lord *Cromwell*, *John Catesby*, *Will. Jenny*, *Thomas Grey*, *Roger Tounsende*, *Henry Spilman*, *Thomas Daniel*, and others, were constituted [u] Commissioners for to view the Banks, Ditches, Sewers *&c.* of **Marshland**, **Upwelle**, and **Outwelle**, and of other Towns and Fens, by the water which goeth from **Erith bigge** directly to **Benwyke**; thence to **Paddok mere**; thence to **Farset bigge**; thence to **Standground**, and so to **Mulcote**; and from **Mulcote** to **Thorney mille** and **Godelakcrosse**, by **Noman's land**; and thence to **Dowysdale**, and so to **Clowercrosse**; thence to **Wylowedyke**; thence to **Edgreynes**; thence to **Tydegote**; and thence to the Sea: And to make Statutes and Ordinances for the repair of them, according to the Laws and constitutions of this Realm, and the Statutes of **Romeney marsh**: As also to impress such and so many Diggers and other Labourers to be imployed in those Works, as they should deem necessary for the expedition thereof. The like Commission [w] had they for the view and repair of those in the Marshes betwixt the water, running from **Erith bigge** aforesaid, by **Ely**, to **Salterslode** and **Wigenall**, to Bishops **Lenne**; and the water passing from the same Bridge at **Erith**, by **Benwick**, **Gretecrosse**, and **Wysslebeche** to the Sea.

[u] Pat. 9 E. 4. p. 1. m. 14. in dorso

About this time I suppose it to be (for it is without date) that the Landholders of **Pokedich field**, in **Welle**, exhibited a Petition [x] to the Lords and Commoners of **Marshland**; shewing, that the said Field was agisted, for its number of acres, in as high a measure, towards the repair of the Bank called **Pokedich**, for the safeguard of that Country, as any part thereof, which lay within the precinct of that Bank; and that the water of **Pokedich** did so overflow the same field, that they could not dig earth, upon occasion, for repair of the before-specified Bank: and therefore desired that they might drayn the same by a Sewer, through the said Bank into **Marshland**, in such a place where it would be of least damage thereto. Whereupon they were allowed to have a certain Clow neer **Thwart medows**, for that purpose.

[x] Ex praef. cod. MS. penes *O. S. John*, f. 23. b.

In 20 *H.* 8. at a Session of Sewers held at **Stuntney**, in the Isle of **Ely**, by Sir *Thomas* Knight, *Tho. Dereham*, *John Fincham*, and others, there was a Presentment [y] then made by the Jurors, of all the Sewers, at that time in being, within this part of the Countrey; instancing to whom the repair of each belonged; the tenor whereof I shall here insert.

[y] Ib. f. 90. 2.

The Bishop of **Ely** ought to scour **Crekelode**, extending from the great stream, towards **Sotherey**, unto the **Willough**, by the space of two furlongs. And from the said **Willough** to **Pulverlake**, the Cellerar of **Bury** hath an half part, against all others, for the space of a mile and more. From the said **Willough** also, to **Pulverlake**, the Prior of **Wodney** hath a share: So likewise the Prior of **Norwich** for the Church of **Foxham**; and the Parson of **Helgay** for the Church of **Helgay**. And the Landholders late *Massingham's*, and *Bekeswell's*, ought to cleanse the same, against the Cellerar of **Bury**, from the said **Willough** to **Pulverlake**. Which Cellerar of **Bury** hath also an half part in the middle of this lode, against all others, for two miles.

The Abbot of **Ramsey** ought to scour the Sewer, called **Balkwere** abutting upon **Gnat lode**, for one quarter of a mile. And the Prior of **Norwich**, the Rector of **Helgay**, with the Tenants of the lands late *Massingham's* and *Bekeswell's*, ought to repair the same unto the four Lodes end.

In

In **Crekelode** alſo, *Thomas Boteler* of **Helgay** ought to ſcour a place called **Hogges middle**, for the length of one furlong. And the Duke of **Glouceſter** one part in **Gretwere** (a part of the ſaid **Crekelode**) for the length of a mile, againſt all others: And another part there, for half a mile, the Prior of **Caſtelacre**, Abbot of **Wendling**, and the Tenants of thoſe lands, late *Bekeſwell's*.

Sheting middil, in **Crekelode**, ought to be clenſed by the ſaid Cellerar of **Bury**, for the ſpace of one mile and more. **Chutting** in **Crekelode**, by the Duke of **Glouc.** for half a furlong and more. **Strem middil** by the Cellerar of **Bury**, for one mile.

In **Ung medil** the Prior of **Wodney** holdeth one part, by the ſpace of two furlongs, againſt the Prior of **Chetford**.

John Aſhfield and the Abbor of **Ramſey**, for the lands late *Nich. Gunnes*. The ſame *John Aſhfield* holdeth one part in **Lodwere**, in **Creklode** aforeſaid, for two furlongs.

In **Bullinger** the Prior of **Wodney** holdeth half a part, for two furlongs and more, againſt the Abbot of **Ramſey**. The ſaid Prior of **Wodney**, and the Tenants of the Lands, late *Maſſingham's*, ought to clenſe all **Grey middil**, for one mile.

The Prior of **Chetford** ought to ſcour **Jellis middil**, for the ſpace of one mile.

The Town of **Lyttilport**, the Widow of *Nich. Orme*, and the Earl of **Worceſter**, ought to clenſe **Newdike** unto **Welney court**, for one mile.

Criklode, in **March**, beginneth at the **Great Ee**, betwixt **March** and **Welle**, and goeth on directly to **Elme**, containing by eſtimation ſix miles, and ought to be ſcoured by the Biſhop of **Ely** and Abbot of **Bury** equally.

Gnat lode beginneth at **Hawkyns hytte**, and continueth to **four lodes** end, containing by eſtimation three miles, and ought to be ſcoured by the Towns of **Elme** and **Littilport**.

Small lode, betwixt **Welle** and **Outwelle**, ought to be clenſed by the Abbot of **Dereham**, from the great River in **Welle** to **Ingram's hirne**, by the ſpace of three quarters of a mile. Another part in the ſaid **Smal lode**, from **Ingram's hirne** to **Seman's gole**, containing one mile, the Abbot of **Ramſey** and *John Ayleſham*, ought jointly to clenſe.

Maidlode beginneth at **Welney-water**, and continueth to **Sheppe lode**, and thence to **Sheppeſlodes end**; which ought to be clenſed by *Richard Cranford*, and *Clarice* late Wife of *John Cranforth*, by the ſpace of one furlong; and by the Town of **Upwell**, for the Lands of M^r. *will. Dunthorne* by the ſpace of one mile; and for another mile, and more, by the Town of **Welle**.

Shiplode ought to be clenſed by *John Sambroke* for half a mile; by *Thomas Beaupre* for as much; by *John Fincham* alſo for half a mile; by the Abbot of **Ramſey** for the like proportion; by the Prior of **Walſyngham** for three miles; and by the Prior of **Lynne** for three furlongs, unto the end thereof.

Wide lode ought to be clenſed by the Town of **Welle** for half a mile; by the Prior of **Thetford**, and the Heirs of **Bekeſwell**, for *xxv.* furlongs; and by the Prior of **Lewes** for one mile.

Old Smal lode beginneth from **Wide lode**; and ought, for the ſpace of half a mile, to be repaired by the Biſhop of **Ely**: and by the Abbot of **Dereham** and *John Ayleſham* by the ſpace of half a furlong.

Webwinch lake ought to be clenſed by the Abbot of **Ramſey**, for the ſpace of two miles.

The Town of **Welle** ought to ſcour from the **Sholle** of **Outwell**, for the ſpace of half a mile: thence the Prior of **Lynne**, unto **Mullicourt**, for one furlong; and thence the Prior of **Lewes** for one mile and more.

The Biſhop of **Ely** and *John Aileſham* ought to ſcour the water-courſe from **North delf** unto **Salter's lode**, for the ſpace of half a mile, and the Biſhop of **Ely** alone, for two miles and more.

The Lord *Scrope* ought to clenſe the Chanell, from **Darſey lode** to **Wany-**

townſend, for the ſpace of one mile.

Cock's lode beginneth at Hunney Corner, and continued to Manyfeld's end, and ought to be cleanſed by the Abbot of Ramſey; and from Manyfeld's end to *Harry Mace*'s Cote, by the Lord *Scrope* unto Maney lode.

The River of Mene hath its riſe above Northampton, and cometh to Peterborough bridg, and thence to a certain place called Noman's land, and there entreth into South Ee, which is diſtant from Peterborough *xiiij.* miles by eſtimation. Which River ought to be ſcoured and cleanſed by the Abbots of Peterborough and Thorney, but was not. And from Noman's land to Dowesdale, by the Abbots of Crouland and Thorney, for the ſpace of four miles. And from thence to Clows Croſſe, on the South ſide, by the Abbot of Thorney; and on the North, by the Abbot of Crouland, with the Towns of Holbeche, Fleet, and Sutton, for ſix miles.

The River of Wailand beginneth above the Town of Stamford, and runneth unto the Triangular bridge at Crouland; and thence one part thereof paſſeth unto Spalding Ee, and the other to Nomans land: ſome ſay, that it did antiently run into a certain Fen, belonging to the Abbot of Crouland, called the Pyemote, *alias* Poſſons, in Lincolnſhire, and ſo to the Sea: but now that current being ſtopt it runneth by the South Ee unto Clows Croſſe and ſo to Guy hirne.

Furthermore, betwixt Shepelode and Salterſlode, there is a Sewer called Theſe lake, which ought to be repaired by *Thomas Gawſell*, unto the great River at Salterſlode; it lying on the Weſt ſide of Salters lode, about half a mile diſtant.

Alſo there is another Common Sewer, called Stremelake, lying betwixt Shiplode aforeſaid and Salters lode, which ought to be cleanſed.

The Fen betwixt Crekelode, Welle, and Salterſlode ought to be repaired by the Town of Denver, for the ſpace of ſix furlongs, and more.

There is alſo a Common Sewer, called antiently Denver hithe, now ſtopt by the Lord *Berkley*, and the Town of Denver; which containeth one furlong, and more.

After this, *viz.* in 2 *Edw. 6.* at a Seſſion [z] of Sewers held at Upwell, upon the *Monday* next after the Feaſt of the *Nativity* of S. *John Baptiſt*, by *Geffrey Colvile*, *Edmund Beaupre*, *Thomas Dereham*, *Richard Everard*, and *John Willoughby* Eſquires, *James Hawes* and *John Schuldham* Gentlemen, the Jurors preſented, upon their Oathes; that by the great abundance of freſh waters, yearly deſcending from the Counties of Norff. Suff. Camby. Bedf. Hunt. North. Rutl. and Linc. by and through two great Rivers; *viz.* Duſe, extending from Cambridge unto Ely; thence to Lytilport Chaire; thence to Sotherey; thence to Helgay; thence to Foxham; thence to Denver; thence to a place in Dounham called Salters lode; thence to Wymbotesham; thence to Stow-Bardolf; and thence unto the North Seas at King's Lynne, in the ſaid County of Norff. And the other great River, called the great Ee, extending from Peterburgh, in the ſaid County of Northampton, unto Ramſey; thence to a certain Sewer or decayed River in March, in the ſaid County of Cambridge, called great Croſſe; thence to a certain decayed River or Sewer called Creke lode, in March aforeſaid; thence into another decayed River or Sewer, called the New Leame, in March aforeſaid; thence unto a certain place in Upwell aforeſaid, called Shewyſneſt poynt; and there the ſaid River, dividing it ſelf into two Branches, whereof the one returneth South Eaſtward, and is called the *South branch*, unto a certain old decayed Sewer in Welney (a Hamlet of Upwell aforeſaid) called Mayd lode; thence unto another old decayed Sewer, between Welney aforeſaid and Lytilport, in the Ile of Ely, called New dike, and Creek lode, in Sotherey aforeſaid; thence unto Lytilport Chaire aforeſaid, and ſo to the aforeſaid great River of Duſe, and ſo to the North Seas at K. Lynne.

And the other Branch, deſcending North Eaſt ward, called the North branch, from the ſaid place, called Shewyſneſt point, unto a certain place

[z] Ibid. f. 106. b.

2. E. 6.

place in Dutwell aforesaid, called Dutwell Sholle; thence Southward unto a certain place in Downham aforesaid, called Northdelf; thence Eastwards unto Salters lode, into the said River of Ouse, there is yearly drowned within the Towns of Upwell and Outwell aforesaid, eight thousand acres of Marish and Pasture grounds, over and besides the great damage unto four several Infields of the same Parishes, called Plawfield, Kirkfield, Budbech, and Sandyfield, to the number of 1600 acres; and to the Houses of the Inhabitants of the same Parishes, to the number of 300 Housholds, were not the same fields and houses defended by great Banks, Dikes, and Crests made for their safeguard, to the great impoverishing of the said Inhabitants; specially by the said waters descending by the said great Ee, from Peterborough unto Ramsey, thence to March, so to Upwell and Outwell, and thence to the North Seas at K. Lynne: forasmuch as the most part of the water of the said great Ee, sometimes was conveyed unto the North Seas at Wisebeche, by the said decayed Rivers in March aforesaid, called Great Crosse, Crekelode, and the New Leame, whereof the farthest River called great Crosse, passeth not in distance from the said great Ee, in March aforesaid, to the said Town of Wisebeche, ten miles: And the said lode called Creklode, in March aforesaid, is not in distance in length from the said great Ee unto the said Town of Wisbeche, but six miles and a half: And the said New Leame but 5 miles and a half from the said great Ee unto Wisebeche.

The antient course of the waters by Wisbeche.

And now the water being forced to take, in manner, his full and whole course, contrary wise from his natural and most ready fall at Wisebeche aforesaid, in form aforesaid, is constrained unto the said Chapel in Upwell aforesaid, called Shrewpinell poynt, by reason of the decay of the said sewers, where it divideth into two branches, as before is mentioned.

And the one branch going South Eastward, in form aforesaid, extendeth in distance and length, from the said great Crosse unto Shrewpinell point, and so by the said South branch unto the said North Seas at K. Lynne aforesaid *Liiij.* miles: And the same River, descending from the said great Crosse unto Shrewpinell point aforesaid; and from thence by the North branch unto Outwell Sholle, and so to the said North Seas, is in distance *xxxiij* miles.

And from the said Sewer called Creeklode, in March aforesaid, unto the said North Seas at K. Lynne, aforesaid, by the said South branch, is *xlviij.* miles, and by the said North branch *xxviij.* miles.

And from the said Sewer, called the Leame, in March aforesaid, unto the North Seas at K. Lynne aforesaid, by the said South branch, is *xlvii.* miles, and by the North branch aforesaid *xxvii.* miles.

The decay of which said several Sewers, with the Rivers, Lodes and Drayns from them, extending unto the said Town of Wisebeche, they say be the chief and special occasions of the drowning, aswell of the said Marish and Pasture in Upwell and Outwell, as of the whole Countrey of Marshland and Wigenall adjoyning; and in continuance of time, as they think in their consciences, will utterly drown the said Parishes, and the said Country of Marshland, unlesse the same decayed Sewers be scoured, according to the antient Ordinances; so as a great part of the said fresh waters of the same great Ee, in March aforesaid, may be conveyed unto the said North Seas, by the Town of Wisebeche, in manner and form aforetime used.

And they said; that there is another great occasion of the drowning of the said Marish grounds, by reason of the decay of the said old Sewer in Upwell aforesaid, called Maide lode; and a part thereof called Ship lode; the which Lode beginneth at Welney water, otherwise called the South branch, coming from Shrewpinell poynt aforesaid, and extendeth from thence unto a certain fen of the said *Edmund Beaupre*, called Weeke fen; and from thence into a certain place in Welgay, called Shiplode Welgay house, and there into the said great River of Ouse: The which Sewer they say hath been most

ſpecially decayed, by reaſon that there hath not been kept a good Sluce of ſtonework or timber, with ſufficient falling and hanging dores to the ſame, to ſtop out the Floudſilty waters: And alſo by reaſon that the ſame Sewer falleth not lower towards the ſaid North Seas; *viz.* at and againſt a certain place in **Denver**, called **Denver hithe**; at the which place they think it moſt meet for to ſet and build the ſaid Sluce.

And they ſaid, that for the preſervation of the ſaid Sluce, there ought to be a ſubſtantial Clouſe of ſtone work and Timber, with two ſufficient drawdores to the ſame, to be ſet within half a furlong of the ſaid Sluce, to ſtop the freſh waters aſwell in the time of repairing the ſame Sluce, as to keep and preſerve a ſufficient portion of waters within the ſaid Drayn, in the time of extreme drought.

Furthermore they ſaid, that foraſmuch as there hath not been a ſubſtantial Bridge over the ſaid Sewer, called **Mayd lode**, of the length of *xx* foot, next unto **Welney** water, ſo as the ſame water, at the entry thereof, might have full paſſage; hath been in like manner a great decay of the ſaid Sewer.

And they ſaid, that the heirs of *Richard Cranford* ought to ſcour the ſaid **Mayd lode**, next from the ſaid **Welney** water, called the South branch, by the ſpace of one furlong, at the wideneſſe of *xx* foot, and of ſufficient depth. And next unto that, the Inhabitants of **Upwell** and **Welney** ought to dike the ſame, by the ſpace of one mile, for certain lands, which they hold in common, call'd **Dunthorn's fens**, otherwiſe called our **Lady fenns**, and one other mile for their Common called **Blakmereſhall**: And then the Landholders, belonging to the Prior of **Fakenham**, to ſcoure the ſaid Lode called **Shiplode**, by the ſpace of half a mile: And then the ſaid *Edmund Beaupre*, for lands belonging to **Beaupre Hall**, in **Outwell** aforeſaid, half a mile. And for his Mannour of **Upwell**, late belonging to the diſſolved houſe of **Ramſey**, half a mile: And then *Richard Fyncham* Gent. for certain Fen grounds and Mariſh half a mile: And the Landholders, late belonging to the Monaſtery of **Walſingham**, three quarters of a mile: Then the Dean of **Norwich**, for lands belonging to the late Celle of Monks in **K. Lynne** three furlongs; and from thence to the ſaid place againſt **Denver hithe** (where the ſaid Sluce ſhall be ſet) the Townſhips of **Denver**, **Welgay**, and **Foxdham** ſhall dyke *&c.* the reſt of ſaid lode, for four furlongs; in conſideration, that they be not charged in any part of the ſaid Sewer, called **Mayd lode** and **Shiplode**; and yet the ſame Townſhips ſhall drayn by the ſame Sewer, by eſtimation, a thouſand acres of Common Fens and more.

And foraſmuch as great Commodity ſhall grow, aſwell to the Inhabitants of **Denver**, **Welgay** and **Foxdham**, as to the Inhabitants of the whole Countrey of **Marſhland**, and **Wygenhall**, by reaſon that the ſame Sewer as well ſhall drayn the Fenns of **Denver**, **Welgay** and **Foxdham**, as alſo ſhall receive the great abundance of freſh waters, the which before this time have deſcended againſt a certain Bank in **Outwell** and **Dounham** aforeſaid, called the **New Powdich**, being the only defence and ſafeguard of the ſame Country of **Marſhland** and **Wigenhall**, the which for lack of this proviſion, at this preſent by them agreed, have been divers times of late years drowned, that, in conſideration thereof, aſwell the Inhabitants of **Marſhland** and **Wigenhall**, as of the ſaid 4. Infields in **Upwell** and **Outwell**, called **Plawfield**, **Kirkfield**, **Budbeche field**, and **Landy field**, ſhall bear and ſuſtain the Coſts in and about the ſufficient making of the ſaid Sluce and Clowes.

And that after the ſame Sluce and Clowes be well and ſufficiently made, that then the ſame ſhall be repaired at the Coſts of the ſaid Inhabitants and Landholders of **Denver**, **Foxdham**, and **Welgay** aforeſaid, except when the yearly chardges in amending the ſame, ſhall come to above the ſumme of *xxvi s. viij d.*

Alſo they ſaid, that there is another great deſtruction, aſwell to the ſaid Fenns, as to a great part of the low grounds within the Ile of **Ely**, by reaſon

ſon of the decay of the ſaid drayn, called in part **New dike**, in **Littlport** aforeſaid, and in part thereof called **Crekelode**, in **Sothery** aforeſaid, betwixt **Sothery poole** and **Wodney**, and there entreth into the ſaid great River of **Ouſe**.

And they ſaid, that the Biſhop of **Ely** ought to ſcour the ſaid **Creeklode**, from the ſaid great River of **Ouſe**, unto a certain place called the **Willow**, by the ſpace of two furlongs; and then the Landholders of the Lands of late belonging to the Cellerer of **Bury**, ought to dyke from the ſaid **Willough**, unto **Pulver lake**. The Dean of **Norwich** for his Church of **Foxham**; the Parſon of **Helgay** for his Church of **Helgay**; the Landholders late *Maſſingham*'s, and the Landholders late *Bexwell*'s, ought to dyke the ſaid Sewer againſt the late Landholders of the Cellerer of **Bury**, from the ſaid **Willow** unto **Pulverlake**.

And they ſaid, that the Landholders of the late Cellerer of **Bury** ought to dike the one half of the ſaid Sewer, in a certain place called the **Wodyl**, in **Creeklode**, againſt all men, by the ſpace of two miles.

The ſaid Landholders of the Lands belonging to **Ramſey**, ought to dyke a certain place called **Balkwere**, abutting upon **Gnatlode**, by the ſpace of a quarter of a mile. The Dean of **Norwich**, the Parſon of **Helgay**, the Landholders of *Maſſingham*'s, and the Landholders, late *Bexwell*'s, ought to dyke the ſaid Sewer unto four lodes end.

The Heirs of *Tho. Butler* of **Helgay**, ought to dyke a certain place in the ſaid Sewer, called **Hogges myddle**, by the ſpace of one furlong. The King, for Lands ſomtimes the Duke of **Glouceſter's**, ought to dike at a certain place called the **great Were**, againſt all men, by the ſpace of a mile.

The Landholders of the late Monaſteries of **Caſtleacre** and **Wendlyng**, and the Landholders, late **Berwell's**, ought to dyke the other part of the ſaid Sewers, againſt the King, for the ſpace of a mile. Then the Landholders late belonging to the ſaid Cellerer of **Bury**, ought to make a **Shetting middyl** in the ſaid Sewer, by the ſpace of a mile, and more.

The King for Lands ſomtime the Duke of **Glouceſter's**, ought to dyke a certain place, called **Chattyngs** in the ſaid Sewer, by the ſpace of half a furlong and more. And the Landholders late belonging to the ſaid Celerer of **Bury**, ought to dyke a certain place in the ſaid Sewer, called **Stream middyl**, by the ſpace of a mile; and then the Landholders of the late Priory of **Wodney** ought to dyke the one half of **Ange medyl**, in the ſaid Sewer, by the ſpace of two furlongs, againſt the Landholders of the late Monaſtery of **Thetford**.

The Heirs of *John Aſhfeild*, the Landholders of the late Monaſtery of **Ramſey** (ſomtime *Nicholas Gunne*'s) ought to dyke the ſaid Sewer againſt the ſaid Landholders of the late Priory of **Wodney**. And the Landholders late *John Aſhfeild*'s ought to dyke at a certain place in the ſaid Sewer, called **Lod were**, by the ſpace of two furlongs.

The Landholders of the late Monaſtery of **Thetford**, and the Landholders late *John Champayne*, ought to make the other part, by the ſpace of two furlongs.

The Landholders of the late Priory of **Wodney** ought to make the one half of a certain place in the ſaid Sewer called **Bullings**, againſt the Landholders of the late Monaſtery of **Ramſey**, by the ſpace of two furlongs and more. And the Landholders of the ſaid late Priory of **Wodney**, and *Maſſingham*'s, ought to dyke the ſaid Sewer, called **Credy-middyl**, by the ſpace of one furlong. The Landholders of the late Monaſtery of **Thetford** ought to dyke in the ſaid Sewer, called **Jolles-middyl**, by the ſpace of a mile.

The Townſhip of **Littlport**; the Landholders ſometime called *Nicholas Orme*, and the Earl of **Worceſter**, ought to dyke the ſaid Sewer called **New dyke**, unto the ſaid South branch called **Welney water**, by the ſpace of a mile.

And that the perſons chargable with the making, ſcouring, *&c.* of theſe Sewers,

Sewers, ſhall have the Fiſhings, ſo far as they are ſo charged.

Alſo they ſaid, that there is another occaſion of the drowning of the ſaid Mariſh and Paſture grounds, and of the whole Country of **Marſhland**; which is the decay of a certain River, parcell of the North branch, extending from **Shrewpſnett poynt** unto **Outwellſholl**: the which decay beginneth at a certain place in **Outwell** aforeſaid, called **Saltham lake**, and extendeth to a place in **Downham**, called **North delf**, and ſo to **Salters lode**: The which River ought to be in bredth, in the narroweſt place of the Chanel, *xxiiij* foot, and of convenient depth. And of the bredth and depth aforeſaid, by the Inhabitants of **Marſhland** and **Wygenall**, from the ſaid place called **Salthamlake**, unto **Salter's lode**.

And they ſaid, that there is a certain Bank, before remembred, called the **New Powdich**, ſet in **Outwell** and **Downham** aforeſaid, on the Eaſt and North part of the ſame River; aſwell for the ſafeguard of certain low grounds in **Downham**, **Outwell**, **Wimbotteſham** and **Stow Bardolf** aforeſaid; as alſo of the whole Country of **Marſhland** and **Wygenall**, for and againſt the abundance of freſh waters, deſcending to and againſt the ſame bank: the which Bank beginneth at the South end of the Pariſh of **Outwell** aforeſaid, and extendeth South Eaſtward unto **Mullycourt Drove**; thence to **Saltham lake**; thence to **North delf** in **Downham**; and thence to **Salters lode**; and adjoyneth in part thereof to the Eaſt ſide of the ſaid River, and in part to the North ſide thereof. Which Bank, by all the limits thereof, ought to be in bredth, in the foundation *xviii* foot at the leaſt, and in the top *xii* foot: And in height from the plain ground unto the top thereof, from the ſaid **Saltham lake** unto **Northdelph**, ſix foot of lawfull meaſure; and from **North delf** unto **Salters lode**, in height five foot, of like meaſure.

And they ſaid, that the Landholders of thoſe lands in **Outwell** aforeſaid, in certain fields, in the ſame Town called **Mutlycourt field**, **Sandy field**, **Outſandy field** (alias **Blewick field**) and **Powdich field**, ought to maintain the ſaid Bank, from the Towns end of **Outwell** unto **Mullycourt Drove**, at their coſts. And the Dean of **Ely**, for the ſaid late Priory of **Mullycourt**, from **Mullycourt Drove** unto **Saltham lake**. And the Inhabitants of **Marſhland**, and **Wygenhall**, from the ſaid **Saltham lake** unto **North delph**; and from thence unto **Salters lode** *&c.*

And they ſaid, that the decay of the ſaid Bank hath grown moſt eſpecially, by reaſon that the Earth taken for the repairing thereof, hath been dyked and caſt from the foot of the ſaid Bank; whereas by the antient Ordinances it hath been appointed to be taken on the South part and Weſt part of the ſaid River, adjoyning to the ſaid Bank, in time of Summer; and in the Winter, upon great neceſſity, the Country of **Marſhland** and **Wygenhall** to take their manure in the common Fenns of **Outwell** and **Dounham**, on the Eaſt part and North part of the ſaid Bank, in diſtance *xl* foot from the ſame.

And they ſaid, that there is another Bank, extending from **Salters lode** aforeſaid, unto **Dounham bigge**; and thence unto **Stow Bardolf** houſes; and ſo, by the ſame Houſes, to **Staple were**, in **Stow Bardolf** aforeſaid, made for the defence of the ſeveral and common grounds and Mariſhes of **Dounham**, **Wimbotteſham**, and **Stow Bardolf**, for and againſt the Floud and Spring waters coming out and from the North Seas at **King's Lynne** aforeſaid: the which Bank, *viz.* from **Salters lode** to **Dounham Bridge**, ought to be in bredth in the foundation *xviii* foot, and on the top *xii* foot; and in ſufficient height for the defence of the floud.

And that the Inhabitants of **Dounham** ought to repair the ſaid Bank from **Salters lode** to **Dounham bigge**, unto **Stow bynk** houſes, to which place it ought to be *vi* foot in bredth at the top; and from thence unto **Staple were** 8 foot in bredth, and of ſufficient height.

And that the Inhabitants of **Dounham**, **Wymbotteſham**, and **Stow Bardolf**, ought to maintain the ſame

ſame in manner and form aforeſaid.

Alſo they ſaid, that for the avoidance of the freſh waters, falling within certain ſeveral grounds and common Fens of **Denver** aforeſaid, on the Eaſt part and South part of the ſaid great River of **Ouſe**, there ought to be made, at the coſts and charges of the Inhabitants of **Denver** aforeſaid, and ſet at the ſaid **Hithe**, one good and ſubſtantial Sluce of Stone and Timber, with a falling dore, for the avoidance of the ſaid Freſh waters, into the ſaid great River.

And that there is an old Bank, extending from **Upwell** Towns end, by and through the Common of **Upwell**, called **Neatmore**, unto a place called **Moule rech**, next unto the Common drove of **Upwell**, extending from **Upwell** Towns end to **Welney** aforeſaid; the which Bank was made in the beginning, as it ſhould ſeem, for the preſervation of certain common and ſeveral Fens, called **Neatmore, Low fen, Warbeche**, and **Walſyngham fenns**; the which Fens amounting to the number of 2000 acres, by eſtimation, or more, be yearly drowned by the decay of the ſaid Bank. And that the ſaid Bank ought to be in height from the plain ground, one foot and a half; and in bredth in the Foundation 8 foot, and in the top four foot in bredth: and that the charges of making and keeping the ſame, ought to be born by the Inhabitants of **Upwell** aforeſaid.

And that there is another old Sewer, called **Smal-lode**, between **Upwell** and **Outwell** aforeſaid; which beginneth at the great River in **Upwell**, called **Northbanch**, at a certain place called **Welhirn yard**; and extending to **Ingram's hirne**; and from thence to **Seman's goole**, in the ſame Town: Which Sewer ought to be ſcoured by the Kings Majeſty for certain lands in **Upwell** aforeſaid, ſometime belonging to the Monaſtery of **Weſt Derham**, by the ſpace of three quarters of a mile. And then the ſaid *Edm. Beaupre*, for his Mannour of **Upwell**, and *Will. Norman* for lands ſometime *John Ayleſham*'s, ought joyntly to keep and ſcour the ſaid **Smal lode**, from **Ingram's hirne** unto **Seman's gole**, by the ſpace of a mile.

And further they ſaid; that where there be 4 ſeveral fields, in the Pariſhes of **Upwell** and **Outwell**; *viz.* **Plawfield, Churchfield, Bridgeche field**, and **Sandy field**; the which fields be defended by great Banks, kept by the Landholders of the ſaid fields, to their great coſts; they ſaid, that by reaſon of the aboundance of waters falling within the ſaid fields, it cannot be conveyed out of them unto the Sea, by any of the Sewers before-mentioned: for the avoidance therefore of the ſame freſh waters, there ought to be made, at the coſt and charges of the ſame fields, two Sewers; the one to begin at a certain place in the ſame field, called **Wadingſtowe**; and from thence directly in a Dyke, by a certain Bank called **Plawfield dike**; and ſo by a certain dike called **Burdike**; and then in a dyke between the Common Droves of the one part, and the Lands of *Robert Danniet* Gent. on the other; and ſo forth in a dike between a ground called the *xxx* Acres of the one part, and the lands of the ſaid *Robert Danniet* and *Anth. Cotton* on the other part; and ſo directly into a Pipe or Sluce of Stone, under the little River called the **Smal lode** in **Upwell** aforeſaid.

And the other Sewer to begin at **Dilling drove** in **Plawfield** aforeſaid, and to paſs in two Dikes, in both ſides of the ſame Drove; and ſo into the Common River called **Hermite's Ee**; and from thence into a Dike between the Lands of *will. Walſyngham* Gent. on both parts, under the Common Drove called **Sprouter's drove**; and ſo in a dike between the ſaid Drove on the one part, and the lands of *William Norman* on the other; and from thence into the ſaid Dike or Drayn at **Bar-drove**; and ſo into the ſaid Sluce under the ſaid River, called the **Smal lode**: and from the ſaid Pipe or ſluce unto the Dike belonging to the King, in right of the late diſſolved Monaſtery of **Weſt Dereham**, into the ſaid field called **Kirkfield**; and ſo in a Dike in the the ſame field, between the Kings lands on the one part, and the lands of *Richard Fyncham* Gent. on the other; unto a certain ground of the ſaid *Richard*'s called **Goddard's**, and there to be made a Dam between the lands of the

King and the Lands of the ſaid *R. Fyncham*.

And from thence the ſame Drayn to extend in a Dike overthwart the Lands of the ſaid *Richard*, into a Dike of the ſame *Richard* on th'one part, and the Lands of the Heirs of *Peter Bateman* on th'other part; and there to be made a Dam between the ſaid Lands; and from thence overthwart in a Dike, by the midſt of certain ground of the King's, called **Anbell land**, into a Common Drove called **Dowes Drove** of th'one part, and the ſaid **Anbell land** on the other part; and there to be made a new Dam between the ſaid Lands and the ſaid Drove.

And from thence to extend in a Dyke between the ſaid **Dowes Drove**, and the lands of the King, called **Derebought land**, and the Lands late *Walter Godard*'s, and one piece of Land called **Howardyn**, of the other part, directly into **Kirkfield** Ditch; and then overthwart in one Pipe, or Gote of ſtone, under **Dowes Drove** aforeſaid, and ſo from thence in a Dike, by a certain paſture ground of *Ric. Fouleſham*, called the *xx*. Acres on th'other part, and **Kirkfield dike** on the other; and ſo in the ſaid Dike into the Lands of *Anthony Croſtes*, and there to be made a Dam, between the ſaid Lands on the one part, and the ſaid Lands called the *xx*. Acres on th'other part: And from thence in a Dyke of the ſaid *Croſtes*, directly by the ſaid **Kirkfield dyke**, unto the Common Drove called **The Drove**; and there to be made a Dam, between the ſame Drove and the Lands of the ſaid *Croſte's*, and there to enter into a Gote or Pipe of ſtone, under the ſaid Drove.

And then in a Dike between the Lands of the ſaid *Croſtes*, on the one part, and **Kirkfield Dike** on the other part; and there to be made a Dam on the other ſide of the ſaid Drove, between the ſame Drove, and the ſaid Lands of *Croſtes*; and ſo from thence in the ſaid Dike of *Croſtes* unto the Medow of *William Norman* (ſomtime *John Curtis*) and there to be made a Dam, between the Lands of the ſaid *Croſtes* and the ſaid *will. Norman*, and from thence in a Dike between the ſaid paſture of the ſaid *will.* on th'one part, and the ſaid **Kirkfield Dike** on the other part, unto **Kirfield Dike Corner**, and there to enter into a great Pipe of ſtone and Timber, under the ſaid great River, extending from **Dutwell Shell** unto **North Delph**: And in like manner under the ſaid Bank, called the **New Dow Dike**; and from thence in a Sewer, for the waters of both the ſaid Fields, called **Plainfield** and **Kirkfield**, by and through the Common of **Dutwell** aforeſaid, called **Bullycourt Drove**; and ſo forth in the ſame Sewer or Drayn, unto a certain place, called the **Dumpres**, againſt the Meadow of the ſaid *Edmond Beaupre*, called **Galcroft**; and from thence unto a certain Bridge called **Angle bigge**, in the Common of **Dutwell** aforeſaid.

And from thence unto a certain Sallow ground of the ſaid *Edm. Beaupre*, called **Hodg hirne**; and there to enter into **Rightforth lode**; which Lode beginneth at the South Corner of **Hodges hirne** aforeſaid, and extendeth from thence, between the Common Drove of **Dutwell** on the one part, and the Mariſh and Fenn of the Earl of **Arundell**, called **Bardolf fenn**, on the other, unto the North Corner of **Hodges hirne**: And thence, right forth, between the Mariſhes and Fenns of the ſaid Earl on both ſides, unto a certain place in **Stow Bardolf** aforeſaid, called **North hooke**; and thence directly in a Drayn to **Stow bridge**, in **Stow Bardolph** aforeſaid; and there, through a Sluce of Stone and Timber into the great River of **Duſe**.

Alſo they ſaid, that for the ſafety of the field, called **Budbech field** in **Upwell** and **Dutwell**, there ought to be made a Drayn, by the Landholders of the ſame Field, from a certain place in **Upwell**, called **Dod's ſtyle**, by divers heddings unto **Dyes Drove**, in **Upwell** aforeſaid; and there to enter into a Pipe or Gote of ſtone, under the ſame Drove; and from thence directly in a Dike, between the Drove called **Bayers Drove** of th'one part, and the Lands of the ſaid *Rob. Dannet*, the Lands of the King as in the right of the ſaid Monaſtery of **Weſt Dereham**, the Lands of the Dean of **Ely**,

and

and the Lands of *John Fyncham* Gent. the Lands of the Heirs of *Anth. Croftes*, the Lands of the Heirs of *Edm. Chatterys*, the Lands of *John Coney*, the Lands of *Reynold Hilbrond*, the Lands belonging to the Parſonage of **Outwell**, and the Lands of the Heirs of *Croftes*, and the Lands of the ſaid *Ric. Fyncham* on th'other part; and ſo in a Dike unto the Lands of the ſaid *John Fyncham*; and then in a Dike between the Lands of the ſaid *John* on th'one part, and divers men on th'other part, unto the Yard ſtead of the ſaid *John*, ſomtime *Thomas Hollows* of **Outwell** aforeſaid; and there to be made a Dam, between the ſaid Lands and the Lands of *John Coney*.

And from thence in a Dike between the Lands of the ſaid *John Fyncham*, unto the front of the ſaid *John*, in **Outwell** aforeſaid; and there to enter into a Pipe or Sluce of ſtone and Timber, under the ſame front; and alſo in the ſame Sluce, under a certain River in **Outwell** aforeſaid, called the **Little lode**, the which River divideth the ſaid Counties of **Norff.** and **Cambridgſhire**; and ſo forth in the ſame Pipe into the ſaid Field called **Sandyfield**: and thence in a Drayn between the Lands of the ſaid *Edm. Beaupre*, called **Reynolds**, of the one part, and the Lands of the ſaid *John Fincham* on the other, unto a certain paſture ground of the ſaid *Edm. Beaupre*, called the **Upward**; and ſo in a Dike between the Lands of the ſaid *Edmund*, on both ſides, unto a certain paſture of the ſaid *Edm.* called the *xx.* Acres; and there to enter into a Pipe or gote of Stone, laid between the Lands of the ſaid *Edm.* on both parts; and from thence into a Drayn or Sewer, by or through the grounds of the ſaid *Edmund*, unto a certain gyſted Dike of the ſaid *Edmund*, called **Blewick dike**; and there to enter into a Pipe or Sluce of Stone, under the ſame Dike; and then into a Drayn or Sewer, aſwell for the waters of the ſaid **Sandyfield**, as for the waters of the ſaid Field called **Budbech field**; and from thence in the ſame Sewer, for both the ſaid Fields (called **Budbeche** and **Sandyfield**) by and through the Common of **Outwell**, called **Blewick fen**, unto the ſaid place called **Hodges hirne**; and there, meeting with the ſaid Drayn, for the ſaid Fields, called **Plawfield** and **Kirk field**, to paſs forth with the ſame, by and through the ſaid Sewer, called **Rightforth lode**, by and through **Bardolf fen**, unto **North hooke** aforeſaid; and from thence unto the Pipe or Sluce at **Stow bridge** aforeſaid; and by and through the ſame into the great River of **Ouſe**.

Diviſion of the Counties of Norf. & Camb.

And they ſaid, that the ſaid Drayn for **Plawfield** aforeſaid, ought to be in bredth from the ſaid place where it beginneth, unto the ſaid Sluce lying under **Small lode**, 8. foot: and from the ſaid Sluce by all the ſaid Drayn unto **Hodges hirne**, 8. foot, and from thence unto **Rightforth lode**, at a place called **Hodges hirne**, 8. foot wide.

And the ſaid Sewer for **Budbech field** to be in bredth, from the ſaid place, where it beginneth, unto the Pipe under the little lode in **Outwell** aforeſaid 7 foot: And from thence unto the ſaid Sluce, lying under the ſaid **Blewick dyke**, 7 foot: And from thence unto **Rightforth lode**, to be in bredth in the narroweſt place of the ſame, *xij.* foot: and ſo to **Stow bridge**; and that they be made of depth according to the wideneſs.

All which Sewers and Drayns to be kept and maintained at the charges of all and every perſon chargable to the making of them.

After this, *viz.* in 13 *Eliz.* at another Seſſion[a] of Sewers, it was preſented by the Jurors; *ſcil.* [a] Ib. f. 118. a.

1. That the Sea-bank, beginning at **Tyd gote**, in **Tyd S. *Giles***, adjoyning upon the County of **Linc.** and ſo leading to a place called the **Horſhoe**, being in great decay, be made in height *xx.* foot above the Saltmarſh, and in bredth ſix foot, by the Inhabitants of **Tyd**, **Newton**, and **Leverington**. 13 *Eliz.*

And from the **Horſhoe** unto **Crabmarſh gate**, of the ſame bredth and height, by all the Lands in **Eſtfield**. And thence to the Sluce of **Wisbeche**. Which Bank from **Crabmerſh gate**, was decayed in Biſhop *Goodrick's* time; and part thereof carried (by the conſent of the ſaid Biſhop) for the pave-

ment of the Market place in Wiſbeche, and part by Mr. *William Blomfield* for making of a Windmill there.

2 That the Bank called Whymeydike, beginning at the Sea bank end, at the Horſhooe in Leverington, ought to be made unto Core corner in Wiſbeche, above the brink of the water *xx* foot, and in bredth 8 foot.

And from Core Corner the old Market of Wilbeche, the Ee banke to Newdike end (alias Lentshurne) beyond Bevys Hall on the North ſide, and Weſt ſide of the ſaid River, to be made in height *xii* foot, and bredth *xvi* foot, by all the *L*andholders on the North of Wyſbeche. And that Newdike, from Lyntyshirne, unto the farther Croſſe at Guyhirne, be made in height *xvi* foot, and in bredth *xii* foot, by the ſaid *L*andholders on the North of Wyſbeche.

3 That the High Fendike, beginning at Guyhirne croſſe, and ſo leading to Pigs Grove, and Clows croſſe to be made *xi* foot in height, and *xii* in bredth, by all the *L*andholders of the North ſide of Wyſbeche and Leverington, taking menure for the ſame at liberty; and paying for every Rode of menure in length and bredth *xvi* foot, and in depth 8 foot, *xvi*^{d}. to the owner of the land.

4. That Shofendyke, otherwiſe called Harhold, beginning at Clows croſſe, and extending to Gozedyke, in Newton, be made in height 8 foot, by all the Landholders in Leverington: And from Goze dike to Tyd thredding, in height and bredth as aforeſaid, by all the *L*andholders in Newton: And from thence to Cegraynes, in Tyd S. *Giles*, in like ſort, by the *L*andholders in Tyd S. *Giles*.

5. That the Conies be deſtroyed, which do hurt to the Sea-bank, beginning at Tyd gote and extending to Wyſbeche Sluce.

6 That a Creſt be made from Fytton brigg againſt the gole in Leverington, by the Landholders on the North of Wiſbeche, to keep the water within the Bay.

6 That the Landholders in July field make a Creſt in Dzech (alias Mouth Grove) from the great River unto Black dyke, in height ſix foot, and bredth 8.

7. And that the Dean of Ely and Lord *Berkley* make a Creſt in Tholomer's Grove, beginning at the Fendyke, and reaching to Tholomers, in height and bredth aforeſaid.

8. That the *L*andholders in Guyhirnfield do make a Creſt from Blakdike to Marytts brigge, of the like bredth and height: And from Maryts brigge to *George Ramſey*'s houſe Corner, on the Eaſt part of the Sewer, to be made by the *L*andholders of Guyhirne field. From Marytts brigg to Tholomers, of the Weſt ſide, by *william Butcher*, for his lands in Calves field, ſo far as his lands do extend, and the reſidue by the Inhabitants of Tholomer's Grove. From Guyhirn Croſſe to Blakdyke end, by the Landholders in Guyhirn field. From Blakdike end to Mouth Grove by the Landholders of Juley field: And from Mouth Grove to Sondy dike (alias Sozell dike) by the *L*andholders in Rummers field; all of the like bredth and height.

9 That the *L*andholders of Munthforth field make a Creſt from *George Ramſey*'s corner to Dods brigge: Thence to Riche's ſtow, to be made by the *L*andholders of Guyhirnfield, *William Butcher* for Calves field and Munforth field. From Riches ſtow to Belympll brigg, on the Weſt ſide of the Sewer, the Landholders of Richey field: in height 4 foot, and bredth 8.

10 That *Tho. Gardner*, the heirs of *Henry Repps* Eſquire, the heirs of *Laurence Cade* and *Agnes Talbot*, with their Coparceners, do make a Creſt in Ratrow, from Tholomers Grove unto Ratrow brigg, in height 4 foot, and bredth 8.

11 That the Lodebrinke in Murrow, from Priors brigg to Mill lane end, be made by the Tenants of the Dean of Ely: Thence to Houſhold brigg by the ſaid Mr. *Repps* and *Tho. Gardner*, and their Coparceners. Thence to Belly myll brigg by the Landholders in Richey field, in height ſix foot, and in bredth 8.

12 That the *L*andholders in Willake and Munforth field make a Creſt in Galles Grove from Dods brigg, unto

unto **Black dyke**, in height 4. foot, and in bredth eight.

13. That the Heirs of *Talbot* do make a Creſt in **Wampaſſe**, from **Dodsbrigg**, on the South ſide the Common Sewer, unto the Eaſt end of his Paſture, of the like height and bredth.

14 That **Mil lane**, from **Thomers dyke**, and reaching to **Mill lane** end to the Pipe in the Drove, be made in height four foot, and in bredth eight foot, by the Dean of **Ely** and *Lord Berkley*.

15 That the lands between **Sorrel dyke** and **Bellymill dike**, from **Belly mill** unto **Newdike**, otherwiſe called **Sandy dike**, do make **Sorrell dyke** and **Bely mill dike**, in height *6* foot, and bredth 8 foot.

16 That the *L*andholders in **Sayfield**, make a Creſt in **Wallys gate**, from **Bellymill brigg** unto **Cheyney-brigg** (otherwiſe called **Robbins brigg**) in height ſix foot, and in bredth 8 foot.

17. That the Creſt beginning at **Sorrel dyke**, and extending to the Church ſtile at S. *Maryes*, ought to be made by the Lands, lying between **Newdyke** and the ſaid Creſt, in height *6*. foot, and bredth 8.

18. That the Landholders in **Nymans dole** make a Creſt in a drove, called **Kilne houſe dike**, from **Pigs dyke** to **Cheyney brigg**, in height *6*. foot, and bredth 8.

19. That **Bevys dike**, from **Pig's dyke** to **Bevys croſſe**, be made by the Landholders of **Inhamfield** and **Newfield**, in height and bredth as aforeſaid.

20. That **Newdyke** be made, by the *L*andholders of **Newfield**, from **Sorrels dike** unto **Bevys dike**, 4. foot high, and 8. foot broad.

21. That the *L*andholders in **Hirnfield** make a Creſt in **Fleming's dyke**, from **Bevys dyke** to **Bowman's dyke**, in like ſort.

22. That the *L*andholders in **Longland** make a Creſt, in **Bowman's dyke**, from **Bowman's Croſſe**, to **Fleming's dykes end**, in height *6*. foot, and in bredth 8.

23. That the *L*andholders in **Briggefield**, on the North of the River, make a Creſt in **Newfield dyke** unto **Long dyke end**, in like ſort.

24. That the *L*andholders of **Fenland** make a Creſt in **Mill lane**, from the great River unto **Barton lane**, in like height.

25. That the *L*andholders in **Harvey field** make a Creſt in **Faulle lane**, from the great River unto **Mill lane**, in like height and bredth.

26. That the Landholders in **Whitemathes**, from **Barton croſs**, *alias* **Barton lane**, unto **Wisbeche lode**, running to **Callows brigg**, ought to make a Drove called **Giggs dyke**, in height 4. foot, and bredth 8.

27. That the *L*andholders of **Nyman's dole** make a Creſt from **Barton Croſſe** unto **Barret's Brigge**, in height and bredth as aforeſaid.

28. That the *L*andholders in **Flatmore** make a Creſt in **Nettledyke lake**, from **Leonards pipe** unto **Barton lane**, of the like height and bredth.

21. That the Landholders of **Gybesholme**, and all the Lands between **Barton lane** and **Pycks**, make a Creſt in **Barton lane**, from the great River unto **Gydges dike**, in height 4 foot, and bredth *xij*.

22 That the Landholders in **Sandy-lond** make a Creſt in **Pickards lane**, and **Mill lane**; from **Mill lane** end, unto the Dike between **Leverington** and **Wiſoeche**, in height ſix foot and bredth *xij*.

23. That *vii* acres, called **Gallow land**, make a Creſt from **Spittle Croſſe** unto **Whynney dike**, in height *6* foot, and in bredth *xii*.

24. That the **Lowfields** on the North ſide of the River of **Wiſbeche**, from the **Fendike** to **Bellymil dike**, ſhall ſcour the *L*ode, from **Belly mill** to the nine hundred Briggs, as need requireth; and thence to **Evildike brigg**, (the nine hundreth to be Contributers) And from **Evyldike** to the 4 gotes, all the lands on the North ſide the River, every man according to what he holdeth.

25 That a Cloſe Shut be made at **Leonards pipe**, by the Landholders of the next fields: Another at **Evyldike brigge**, by the *L*andholders of the nine Hundreds, to keep the water from running into the **Low fields**.

26 That all *Weres* and *Stampes* from Guyhirne to **Clows-crosse**, or elſwhere within any part of the Fenn, be xxiiij foot in the *Were* and the dore, and wider if need be, ſo that no water be ſtopped or ſtraightned.

27 And from **Clows Croſſe** unto the Northweſt corner of **Troknold**, in the river called **Old Ee** (alias **South Ee**) the one half of the ſaid river to be clenſed by the Landholders of **Troknold**, and the other by thoſe of **Tyd S. *Maries*** and **Sutton**; and from **Troknold field** unto **Maryſh cote**, the one half to be clenſed by the Biſhop of **Ely** and his Tenants, and the other by the Landholders of **Sutton** and **Sedney**, it being the diviſion betwixt **Cambridgſhire** and **Lincolnſhire**.

Diviſion betwixt Cambridgſhire, & Lincolnſhire.

28. That **Guyhirne** gole be ſtopped.

29 That the Sewer, called the **New leame**, from **Knar lake** to **Stanground**, being ſo grown up that no water can paſſe in dry years, to the utter decay of **Wiſbeche** river, be diked 30 foot wide, and 6 foot deep.

30. That the Landholders of **Wiſbeche** do make a Shut at **Fytton bydg**, within the Town of **Newton**, to ſtop the water when need ſhall be.

31. That all the lands in **Wiſbeche** on the North ſide the River, ought to clenſe the high lode of **Wiſbeche** from the 4 gotes to **Eydikes bygge** in **Leverington**, in bredth *xii* foot, and depth four; and repair ſeven Bridges in the Town of **Newton**.

☞ 32. That the great River of **Wiſbeche** being greatly decayed, raiſed and filled up, by reaſon of the flowing and ebbing of the ſalt water; for preſervation therefore of the whole Hundred, that a Sluſe be made in the ſaid River at the **Hoyſhoo** in **Leverington**, at the charge of all the Hundred of **Wiſbeche**, or any other place, that ſhall take profit by it; and to be made in bredth *Lx* foot, and depth *x* foot from **Guyhirne** to the Sea.

33. Alſo, that there be two new rivers caſt of each ſide of the ſaid great river of **Wiſbeche**; the one to begin at **Guy hirne** Croſſe, and to extend to **Kentoun's Corner**; the other at **Tower houſe**, and to extend unto **Rekys mill**; which rivers to be *xv* foot wide apeice, and ſix foot deep; and this to be done by the whole Hundred of **Wiſbeche**.

34. And that for the better preſervation of the **high Fen dike** and the Countrey, the Townſhips of **Newton** and **Tyd S. *Giles***, ſhall, as oft as by any outragious tempeſts and waters it ſhall be in danger, riſe and come to give their attendance, with the Townſhips of **Wiſbeche** and **Leverington**, to watch for the preſervation of the ſame.

35 That a Dam be made in the Lode at **Hobs houſe**, to the end that by the ſtopping thereof in dry years, the water may the better deſcend into the great river.

Leverington.

36. That a Creſt be made from **Fytton bydge** againſt the gole in **Leverington**, by the Landholders on the North of **Wiſbeche**; that the water may run within the Bay.

37. And that the heirs of *Richard Everard* Eſquire, ſhall maintain a dam in the *xl* acres (lying between the lands late *Geffrey Norman's*, and the heirs of the ſaid Mr. *Everard*) to keep out the gool water from drowning of **Parkfield** and **Wiſbeche**.

38. That the Landholders of **Harpfield** and **Sherefield** in **Leverington**, make a Creſt in a place called **two Lanes**; beginning at **Shofen dyke**, and leading to **Blacklane**, in height 6 foot, and in bredth 8.

39 That the Landholders in **Southingham**, in **Leverington**, make a dike called **Overdyke**, beginning at **Bellmyne Biggs**, and leading to **Parſon Move** end, and thence to **Meyſbygge** by the Landholders of **Noxthinham**. And from thence to **Blacklanefield**, otherwiſe called **Lady outgote**, by the Landholders of **Fenhalfield**; and thence unto **Bond's gote** by the Landholders of **Blacklanefield**, in height 6 foot, and bredth *xii*.

40. That the Landholders of **Rymersfild** in **Leverington**, make a Creſt in **Pokle**, beginning at **Southgate**, and ſo leading unto **Birds move**, in height ſix foot, and bredth eight foot.

41. That the Landholders of **Newfield**,

field in Leverington make and repair a Creſt in Alnne Drove, beginning at Bird's Drave, and ſo leading to Newfield pipe, in height ſix foot, and bredth 8.

42. That the Landholders of Pokefield make a Creſt in Mill lane, beginning at South gate, and ſo leading to the Pipe at Birds Drove, in height ſix foot, and in bredth 8 foot.

43. That the Landholders of Richmund field make a Creſt in Cattle dike, beginning at Newer's dike, and ſo leading unto Richmund pipe, in height ſix foot, and in bredth *xij* foot.

44. That the Landholders in Richmund field and Newfield make a Creſt in Turnmeredike, beginning at Bond's gote, and ſo leading to Richmund pipe, in height 6 foot, and in bredth *xii* foot.

45. That the Landholders of Longmeadow and Catfield, make a Creſt in Oldendike lane, beginning at Leonard's pipe, and ſo leading on to Cakerow hill gate, in height 4 foot, and in bredth 8.

46. That a gool in Northinham, and a gool in Southinham, ſhall be agiſted and made, and the agiſtment thereof maintained by all the Landholders in Leverington; the menure to be taken off the lands annexed, paying to the Owners *iiij* d. for every Rod.

47. That the Landholders from the High Fendike to Newlane, in Northinham, ſhall make Newlane in bredth *xii* foot in the bottom; and in height four.

48. No ſtops to be made in thoſe Sewers of Southinham and Northinham; but that the narroweſt place be ſix foot wide; that Boats may paſſe.

49. That the Landholders on the North of Wiſbeche River, who drayn through Leonard's pipe, make ſufficient a Creſt, beginning at Leonard's pipe, and ſo leading by Popelane to Joes dike bridg, in height four foot above the water, and in bredth 6 foot. And every one to keep their Heddings and their Clours on the Weſt ſide of Popelane, according as heretofore.

50. That the Landholders of Out Newlands, in Leverington, make a ſufficient Dam; in bredth 8 foot, and height 6. at their lands ends at the North eaſt ſide at the Windmill in Leverington, to keep out the water from running in Wiſbeche lode.

51. That the Landholders of Southinham and Canonfield, make a Creſt from Dike corner unto Over dike, in height ſix foot, and bredth eight.

52. That all the lands in Leverington ought to ſcour the high Lode from the Fendike unto the 4 *gotes* in bredth 12 foot, and in depth 4. And all Stramps and Weres therein; to be pulled up: nevertheleſſe the Inhabitants to have a Common ſet in the ſaid Lode, at a place called Richmond greene, from ſide to ſide, according to antient old Cuſtome.

Newton.

53. That a Sewer be made in Longfield, in Newton, in bredth 8 foot, and depth 4; between the lands of *Jeffrey Colvile* Eſquire, and *Simon Trove*, and the lands of the ſaid Mr. *Colvile* and *Thomas Reynold*, from Mill lane unto Hedow lane.

54. That another Sewer be made in the midſt of Longfield aforeſaid, from the lands of *Jeffrey Colvile* Eſquire, abutting upon the lands of *Robert Roydon*; unto the aforeſaid Sewer; to be in bredth 8 foot; and in depth four.

55. That all Fiſh taken at the 4 gotes, be converted to the uſe of the ſaid gotes.

56. That the Heddings of Fytton Seacrofts be diked from Dods dyke unto Hedow lane, in bredth 8 foot, and in depth 4.

57. That the Heddings of the lands in Fytton croft be diked in bredth 8 foot, and in depth 4. from Lowing's Fendike unto Dods dike.

58. That a Sewer be made by the Heddings of the lands in the midſt of the old ..... *viz.* from Fitton Croſſe unto the lands of *Jeffrey Colvile* Eſquire, called Mothews Croft, in bredth 8 foot, and in depth 4.

59. That

26 That all *Weres* and *Stampes* from Guyhirne to Clows-crosse, or elswhere within any part of the Fenn, be xxiiij foot in the *Were* and the dore, and wider if need be, so that no water be stopped or straightned.

27 And from Clows Crosse unto the Northwest corner of Troknold, in the river called Old Ee (alias South Ee) the one half of the said river to be clensed by the Landholders of Troknold, and the other by those of Tyd S. *Maries* and Sutton; and from Troknold field unto Maryh cote, the one half to be clensed by the Bishop of Ely and his Tenants, and the other by the Landholders of Sutton and Gedney, it being the division betwixt Cambridgshire and Lincolnshire.

Division betwixt Cambridgshire, & Lincolnshire.

28. That Guyhirne gole be stopped.

29 That the Sewer, called the New leame, from Knar lake to Stanground, being so grown up that no water can passe in dry years, to the utter decay of Wilbeche river, be diked 30 foot wide, and 6 foot deep.

30. That the Landholders of Wilbeche do make a Shut at Fytton bydg, within the Town of Newton, to stop the water when need shall be.

31. That all the lands in Wilbeche on the North side the River, ought to clense the high lode of Wilbeche from the 4 gotes to Eydikes bygge in Leverington, in bredth xii foot, and depth four; and repair seven Bridges in the Town of Newton.

☞ 32. That the great River of Wilbeche being greatly decayed, raised and filled up, by reason of the flowing and ebbing of the salt water; for preservation therefore of the whole Hundred, that a Sluse be made in the said River at the Hoxhoo in Leverington, at the charge of all the Hundred of Wilbeche, or any other place, that shall take profit by it; and to be made in bredth Lx foot, and depth x foot from Guyhirne to the Sea.

33. Also, that there be two new rivers cast of each side of the said great river of Wilbeche; the one to begin at Guy hirne Crosse, and to extend to Kentoun's Corner; the other at Tower house, and to extend unto Rekys mill; which rivers to be xv foot wide apeice, and six foot deep; and this to be done by the whole Hundred of Wilbeche.

34. And that for the better preservation of the high Fen dike and the Countrey, the Townships of Newton and Tyd S. *Giles*, shall, as oft as by any outragious tempests and waters it shall be in danger, rise and come to give their attendance, with the Townships of Wilbeche and Leverington, to watch for the preservation of the same.

35 That a Dam be made in the Lode at Hobs house, to the end that by the stopping thereof in dry years, the water may the better descend into the great river.

Leverington.

36. That a Crest be made from Fytton bygge against the gole in Leverington, by the Landholders on the North of Wilbeche; that the water may run within the Bay.

37. And that the heirs of *Richard Everard* Esquire, shall maintain a dam in the xl acres (lying between the lands late *Geffrey Norman*'s, and the heirs of the said Mr. *Everard*) to keep out the gool water from drowning of Parkfield and Wiratfield.

38. That the Landholders of Harpfield and Sherefield in Leverington, make a Crest in a place called two Lanes; beginning at Shoken dyke, and leading to Blacklane, in height 6 foot, and in bredth 8.

39 That the Landholders in Southingham, in Leverington, make a dike called Overdyke, beginning at Bellmyne Bryggs, and leading to Parson Drove end, and thence to Meysbrigge by the Landholders of Noxthinham. And from thence to Blacklanefield, otherwise called Lady outgote, by the Landholders of Fenhalfield; and thence unto Bond's gote by the Landholders of Blacklanefield, in height 6 foot, and bredth xii.

40. That the Landholders of Rymersfild in Leverington, make a Crest in Pokle, beginning at Southgate, and so leading unto Birds Drove, in height six foot, and bredth eight foot.

41. That the Landholders of New-

field,

field in Leverington make and repair a Creſt in Alnne mowe, beginning at Bird's mawe, and ſo leading to Newfield pipe, in height ſix foot, and bredth 8.

42. That the Landholders of Pokefield make a Creſt in Mill lane, beginning at South gate, and ſo leading to the Pipe at Birds mowe, in height ſix foot, and in bredth 8 foot.

43. That the Landholders of Richmund field make a Creſt in Cattle dike, beginning at Newer's dike, and ſo leading unto Richmund pipe, in height ſix foot, and in bredth *xij* foot.

44. That the Landholders in Richmund field and Newfield make a Creſt in Turnmeredike, beginning at Bond's gote, and ſo leading to Richmund pipe, in height 6 foot, and in bredth *xii* foot.

45. That the Landholders of Longmeadow and Catfield, make a Creſt in Oldfendike lane, beginning at Leonard's pipe, and ſo leading on to Cakerow hill gate, in height 4 foot, and in bredth 8.

46. That a gool in Northinham, and a gool in Southinham, ſhall be agiſted and made, and the agiſtment thereof maintained by all the Landholders in Leverington; the menure to be taken off the lands annexed, paying to the Owners *iiij* d. for every Rod.

47. That the Landholders from the High Fendike to Newlane, in Northinham, ſhall make Newlane in bredth *xii* foot in the bottom, and in height four.

48. No ſtops to be made in thoſe Sewers of Southinham and Northinham; but that the narroweſt place be ſix foot wide, that Boats may paſſe.

49. That the Landholders on the North of Wiſbeche River, who drayn through Leonard's pipe, make ſufficient a Creſt, beginning at Leonard's pipe, and ſo leading by Popelane to Joes dike bridg, in height four foot above the water, and in bredth 6 foot. And every one to keep their Heddings and their Clouts on the Weſt ſide of Popelane, according as heretofore.

50. That the Landholders of Out Newlands, in Leverington, make a ſufficient Dam, in bredth 8 foot, and height 6. at their lands ends at the North eaſt ſide at the Windmill in Leverington, to keep out the water from running in Wiſbeche lode.

51. That the Landholders of Southinham and Canonfield, make a Creſt from Dike corner unto Over dike, in height ſix foot, and bredth eight.

52. That all the lands in Leverington ought to ſcour the high Lode from the Fendike unto the 4 *gotes* in bredth 12 foot, and in depth 4. And all Stamps and Weres therein, to be pulled up: nevertheleſſe the Inhabitants to have a Common ſet in the ſaid Lode, at a place called Richmond greene, from ſide to ſide, according to antient old Cuſtome.

Newton.

53. That a Sewer be made in Longfield, in Newton, in bredth 8 foot, and depth 4, between the lands of *Jeffrey Colvile* Eſquire, and *Simon Trove*, and the lands of the ſaid Mr. *Colvile* and *Thomas Reynold*, from Mill lane unto Meadow lane.

54. That another Sewer be made in the midſt of Longfield aforeſaid, from the lands of *Jeffrey Colvile* Eſquire, abutting upon the lands of *Robert Roydon*, unto the aforeſaid Sewer, to be in bredth 8 foot, and in depth four.

55. That all Fiſh taken at the 4 gotes, be converted to the uſe of the ſaid gotes.

56. That the Heddings of Fytton Seacrofts be diked from Dods dyke unto Meadow lane, in bredth 8 foot, and in depth 4.

57. That the Heddings of the lands in Fytton croft be diked in bredth 8 foot, and in depth 4. from Lowing's Fendike unto Dods dike.

58. That a Sewer be made by the Heddings of the lands in the midſt of the old ..... *viz.* from Fitton Croſſe unto the lands of *Jeffrey Colvile* Eſquire, called Mothens Croft, in bredth 8 foot, and in depth 4.

59. That

59. That a Sewer be made on the South side of **Wothens Croft**, unto **Dods dike**, in bredth 8 foot, and depth 4.

60. That the Township of **Newton**, time out of mind, ought to repair a Dike called **Lowings**, otherwise called **Blackdike**, beginning at **Fitton**, and so leading unto **Tyd** Seadyke, in height 8 foot, and bredth *xii*.

61. That the Landholders of *John Clarke* and **Rolles field** ought to make a Dam, at the East end of *John Clarke*'s land in **Newfield**, to keep the water of **Newfield**, from running into **Rolles field**.

62. That the whole Township of **Newton** ought to repair a Dike called **Gozedike**, from **Block's lane**, leading to **Shoffendike**, in height 8 foot, and in bredth *xii*.

63. That all the lands in **Newton**, shall clense one Lode, called **Newton lode**, beginning at **Fendike bridg**, and leading to **Pickerd's stile** to the four Gotes, in bredth *xii* foot, and in depth 4 foot.

64. That the Landholders of **Rolles field**, shall keep their Clotes; and the Landholders of **Newfield**, and all other fields that drayn that way, shall make their Heddings in **Rolles field**, from the lands of *John Clarke* aforesaid, unto **Dod dike**; and there to make a Pipe of four foot square.

65. That a Sewer be made in **Newton** from *viii* acres of..... *Drews*, at **Fytton gate**, at the West end of meadow field; and so all along by **Wedow lane** unto **West field**, and so by *Sim. Troves* 8 acres, and from thence by the Heddings of Mr. *Colvile*'s *xx* Acres, and so over the Lane through a pipe to the Common Sewer of **Newton**, to be diked 8 foot in bredth, and depth 4, every man against his own land.

66. That the Sewer in **Fenlondfield**, beginning at **Starts gate**, and so going into a Pipe lying over **Franks lane**; and so to the mote of *Geffrey Colvile* Esquire; and thence to another Pipe lying over the High way in the same Town of **Newton**, neer to the Common Sewer, be diked by all the Landholders that shall take profit thereby.

67. That all the lands in **Newton** do make a Dike coming from **Shofendike**; beginning at **Gozedike**, and so leading to **Tyd thzedding**, in height 8 foot, and bredth 6.

68. That all Weres and Stamps, being in the high lode of **Newton**, from **Shofendike** unto the 4 gotes, be pulled up.

69. That the Township of **Leverington** do make 8 Bridges in **Newton**, and one Close shut: which Bridges do lye towards the South; the first at **Stanfield's** dore; the second at the beginning of **Black dike**; two at **Leverington pipe**, with 2 stone walls; one at **Loyds lane**; another at **Child's grave**, otherwise called **Taylors sheers**; one at **Green dike**; and one at **Start's dike**.

70. That the Landholders of **Leverington** ought to make the Heddings in **Newton**, beginning at the burnt place in **Fytton**, and so leading unto **Fen-dike** Bridges; and thence by **Galls field** unto **Start's bridge**, in height.... foot, and in bredth 8; taking menure, and paying to the Owner for every Rod, of length 18 foot, bredth 4 foot, and depth four foot, four pence.

Tydde S. *Giles*.

71. That all the Landholders in **Tyd S. *Giles*** ought to make a certain agisted Dike, called **Shoffendike**, from **Tyd thzedding** unto **Ee graynes**, in **Tyd**, in height six foot, and bredth 8.

72. That a Bank called **Ee dike**; and all Ee Banks from the said **Eegraynes** unto **Tyd gote**, shall be made of the same height and bredth, by all the said Inhabitants, saving against **Hockfield**, and other two places, called the **Ee dike** or **Bishops dike**: The which **Ee dike** to be made by the Bishop of **Ely**, and the others by the Lord of the said **Hockfield**.

73. That a petty Drayn be made in **Newfield**, beginning at **Brown's bridge**, at **Newgate**, leading by **Broad gate**, and **Barngate**, to the Bridge at **Churchgate**, in bredth 8 foot, and depth 4. by the Landholders on the North side of **Newgate**, bordering on the same Drayn.

74. That a petty Drayn in **Somer-**

lesne

leſue be ſcoured, beginning at the ſaid Bridge at **Church gate**; and by **Church gate** going to **Littlebigg**, in bredth ....foot, and depth 4. by all the Landholders in **Somerleſue**, and a Shut or Dam made at the ſaid **Littlebigge**, as oft as need requireth.

75. That all the Dikes lying againſt the North ſide of the **Town Drove**, and under **Old Dyke** and **Fen lane**, beginning at **Shepgate bigg**, and ſo by the Droves to **Shofendyke**, be ſcoured by all their Heddings, every one againſt his front, 8 foot wide, and four foot deep.

76. That a Creſt be made in **Town-drove**, beginning at **Gaunt's bigge**, and ſo leading unto **Cowſtowe**, thence unto **Fen lane**, and thence unto **Ee dike**, in height 6 foot, and in bredth 8 foot, by all the Landholders in **Rylondfield**, **Carrow field**, and **Northlane field**: And from **Fenlanes end** unto **Shofendyke** one Creſt to be made in height and bredth as aforeſaid, by all the Landholders in **Elletfield**.

77. That a Pipe be made in the ſame Bank a little from **Gaunt's bigge** out of the Lode, for the drayning of the Fen; and not to run but at ſuch time as it ſhall not ſurround any other lands.

78. That all the *Wardikes* in **Tyd** aforeſaid, ſhall be barred at all times in the year, when need ſhall require, by the adviſe of the Headborows and Dike-Reeves of the ſame Town; that is to ſay alwell **Town Drove**, **Fenlane**, **South dike**, **Tyd threding**, **Blackdyke**, and **Beyſlane**, as all the other agiſted Banks and Dikes.

79. That the Landholders in **Tyd** do make a Creſt in **Beyſlane**, beginning at **Tyd** Sea dike, and ſo leading unto **Brown's bigge**, in height 4 foot, and in bredth 8.

80. That the Landholders in **Southfield**, beginning at the lands late *John Houſhold*, and abutting upon a certain land, called **Beyſe place**, and leading unto **Tyd** Sea dike, ought to make one Creſt upon the Sea dike; beginning at **Beſſlane end**, and leading to **Averie's trees**, or **Black dike**, in height 6 foot, & bredth 8.

81. That all the Lands in **Brodheſt**, abutting upon **Haſtcroft lane**, do repair a petty Drayn, beginning at the Common Sewer..... and leading by the ſaid lane, unto **Brayſeys lone**, in bredth 8 foot, and depth 4.

82. That the Common Drove in **Halcroft**, beginning at Hall paſture, and ſo leading between the lands of Sir *William Cordall* Knight, and ſo by the ſaid Lane, unto **Welman's ſtreet**; and ſo into the old Sewer; and ſo, by the Sea gate green unto **Skepp's board**; and ſo by the Sea bank unto the Common Sewer, be clenſed by all the lands lying upon the ſame, 8 foot broad, and 4 foot deep.

83. And that at the ſaid **Sheps hourd** be made a Bridge, with a Cloſe ſhut, or elſe a Dam, and the ſaid place to be ſtopt at all times at the diſcretion of all the Head-borows and Dikereeves of the ſaid Town.

84. That the Landholders in **Ee dike field**, from **Black lane** unto **Moſſe lane** abutting upon **Ee dike**, make one petty Drayn, as oft as need ſhall require, at the North head of the ſame land, in bredth 8 foot, and in depth 4 foot, ſo that the water of the ſaid field may have his courſe to the Common Sewer.

85. And that the Landholders of the ſame field, from **Blacklane** unto **Barrow's greene**, at the North head of the ſame field, ought to make one petty Drayn, in bredth 8 foot, and in depth 4, that the water may paſſe into the Common Sewer.

86. That one Sewer be made at the Eaſt ſide of **Croſſe gate**, beginning at **Thack**....., a little from **Thaucheon's bridg**, and ſo leading through a Pipe at **Black lane** unto **Black**.... and ſo to **Garreds lane end**; and ſo through **Seagate greene** unto **Helgay's gate**, 8 foot wide, and 4 foot deep, by all the Landholders thereto adjoyning.

87. That all the Landholders in **Burnefield**, make one Creſt..... in **Broadgate**, at the North ſide of the Common Sewer there, from **Sheppers gate** bridge, unto **Hubberds** Corner, in height 4 foot, and bredth 8.

88. That all the lands in **Cockley field** ought to make one Creſt in **Bot-**

tel's lane, from Bottel lane brigg unto Ee dike, in height 4 foot, and in bredth 8.

89. That all the Landholders in Fendyke field, make one Creſt in Blacklane, to begin at Tubbesbrigge unto Bottlebrigge. And in like ſort the Landholders in Cockley field to make one Creſt in Ey gate, from Bottel brigg unto Ee dyke, in height four foot, and bredth .....

90. And in like manner the Landholders of Carrow field to make one Creſt there.

100. That the whole Townſhip of Tyd do make one Shut or Dam in Braſſelode Dam, in the Sewer; and one other Dam at Dike Landam: And another ..... head Acres under the Sea dyke, with Shuts to ſtop out the ſalt water. And alſo a Shut at Hoynelanes end; another at Foſter's dam; Another at Thurſley bridge; Another at Tubbes brigge; another at ..... Bridge in Ryklane: All which to be ſtopped, by the Aſſent of the Headborows and Dikereeves; when need ſhall require.

101. That the Landholders of Tyd ought to keep two *Wardikes*, *viz.* Tyd Eedike and Threding; beginning at Averey's trees, and ſo leading to New fendike, alias Shoyfendike; in height 4 foot, and bredth 6.

102. And another *wardyke*, called Black dyke, and Skeppers gate, to be made by all the lands, between the Eaſt ſide of the ſaid Dike and the Sea-bank; and by all the Commoners of the ſaid Town: Which Dike beginneth at Averey's trees, and ſo leadeth to Tyd bridge, to be made in height 8 foot, and bredth 12.

The Preſentments of Elme and Coldham are wanting.

Upwell and Outwell.

103. That *Henry Cowper* ſhall make his Bank in Upwell aforeſaid, from Lakebrigg unto Dods ſtile, otherwiſe called Sewell's clout, as the Abbot of Bury hath done before his time, which Bank to be in height 6 foot, and bredth 8. And that there ſhall be two good lawfull Gates, between the ſaid Lakebrigge and Dods ſtile, for paſſage of people.

104. That all perſons having lands in Budbech field in Upwell, ought to make their part of Green dike from Dod's ſtile, and ſo to the Stony Croſſe, at *Sumpter's* dore, every man his part, 8 foot broad on the top.

105. That the Sewer called the Chayre in Upwell moze, beginning at the great River of Welle, and deſcending unto Corecote tree; thence to Darley lode, and ſo to Welney River, be ſcoured in bredth *xvi* foot, and depth 6 foot, by the Biſhop of Ely for his part, *Edm. Beaupre* Eſquire for his part, and all others that have been charged heretofore.

106. That Fryday lake and Wagg-lake, in Outwell and Upwell, be cleanſed by the Inhabitants of both the ſaid Towns, in bredth .....foot, and depth 4 foot.

107. That Biſhop's dike, which beginneth at Sewell's clout in Upwell, and thence extending to Langbeche, (which lyeth in Elme) ought to be made good by all the Lands of Upwell.

108. That a pair of Barrs be kept at Sewell's clote.

109. That every Were and Dore in the great River, be *xxiiii* foot wide, or more, and all other Rivers and Drayns in the Hundred of Wisbeche, *xviii* foot in bredth or more.

110. That Budbech Sewer, beginning at Broad Common, and coming to Pyes dyke, and thence going to a Pipe at the houſe of *Simeon Fyncham*, being decayed and grown up, be cleanſed in bredth *x* foot, and depth 3 foot, by all the Landholders of the ſaid field.

111. That the Sewer called New-dike, lying in Buriall field, in Outwell; beginning at the Eaſt end of a Wood ſometime *Hilbrond's*, and deſcending unto the Chapel-bridg, and thence to a Pipe at the Stone croſſe, at the dore of *Ric. Sumpter*, be cleanſed; and that there be a Sluce ſet at the Bridge at the houſe of *John Chambers*; and then that the Bank at Wildam being cut, the water may paſſe to the River called the Salt Ee.

112. That in the watering place in Elme marſh, be made a Pipe of ſtone, with a Sluce that may ſtop the wa-

ter,

ter, when it is high in the River of **Elme**, ſo that it deſcend not backward.

113. That a pair of Barrs be ſet up at **Dod's ſtile** (alias **Seywell's Clout**.

114. That a Dike called **Broken-dike**, lying in **Elme**..... upon the Eaſt ſide of the **Salt Ee**, be made in height ..... foot, and bredth *xii* foot, by the whole Country of **Marſhland**.

115. All *Weres* and *Stampes* within the Hundred of **Wisbeche** to be pulled up.

116. That if any perſon be negligent in making or repairing their Banks, or in ſcouring their Drayns, within the ſaid Hundred of **Wisbeche**, according to ſuch Orders as they are bound to do; that it ſhall be lawfull for the *Dikereeves* of every Town, to cauſe them to be made; and being ſo made, to diſtrain any lands of every ſuch perſon ſo neglecting. And if he be not ſtrainable, then to diſtrain upon any other his lands lying within the ſaid Hundred of **Wisbeche**, or elſwhere ☞ within the Realm of **England**, and to ſell the diſtreſſe, paying to the Owner the overplus, when the charges and expences are deducted, according to the Laws and Statutes of this Realm.

117. That new Agiſtment Books be made by the Headborows with the Dike-reeves of every Townſhip.

118. That all pains forfeited, the moytie of them to redound to the Biſhop of **Ely** and his Succeſſors; and the reſidue to be beſtowed upon the Banks, Barrs, Creſts, *&c.*

119. That the Bank, beginning at the **Horſhoe**, and ſo leading directly to the Town of **Wisbeche** (which is the defence for the **Eaſt field**) be repaired by *Thomas Orrell* Eſquire, from the ſaid **Horſhoe** to **Leverington** Wardyke, and to be made higher by three foot.

120. And that **Guyhirne gole** be banked with a Bank of *xvi* foot, and in height *x* foot, by all the lands lying in **Wisbeche**, between **Sorrel dike** and the **high Fendike**.

On the 12th of *July*, in the ſame 13 year of Queen *Eliz.* reign, it was thus ordered [b] by *Robert Bell*, *Jeffrey Coleville*, *William Hunſton*, *Robert Balam*, *William Brian*, *Richard Nicholas*, *Thomas Hewar*, and *Henry Hunſton* Eſquires, Juſtices of Sewers for the Countrey of **Marſhland**, in the County of **Norfolk**, and for the Borders and Confines of the ſame; *viz.* 13 *Eliz.*

[b] Ex. cod. MS penes *G. Goddard* Arm.

Foraſmuch as **Biſhops dyke**, within the Iſle of **Ely**, is greatly decayed by the abundance of freſh waters, which hapned this laſt Winter (the like whereof was never ſeen within the remembrance of man) to the great decaying and impairing of **Broken dyke**, being one of the defence-Dikes for ſalvation of the whole Country of **Marſhlande**, to the great peril of the drowning the ſaid Country of **Marſhland**, and to the utter undoing of all the Landholders of the Eaſt ſide of **Elme**, between the ſaid **Biſhop's dike** and **Broken dike**, if the ſaid **Biſhop's dike** be not ſufficiently repaired and amended in time: the experience wherof was too manifeſt this laſt winter, to the great loſſe of a number of the Queen's Majeſties Subjects, the miſery whereof is unſpeakable; it is therefore condeſcended and agreed by the ſaid Juſtices;

That the Landholders of **Elme**, within the Iſle of **Ely** aforeſaid, between **Needham dyke** and **Broken-dyke**; aſwell, for that the Country of **Marſhland** may the better repair and maintain the ſaid **Broken dike**, this laſt Winter decayed by the means of the overflowing of the ſaid **Biſhop's dike**; as alſo to be without charge of making and defending of the ſaid **Broken dike**, the ſaid **Broken dyke** being maintained; which cannot be, if the land there remain ſurrounded ſtill; and ſo thereby no profit to be reaped by the Owners of the ſame land; ſhall have licenſe to iſſue out the water of **Oldfield**, between **Needham dike**, and **Broken dyke**, at the Gote or Pipe already laid on **Broken dike**, not far diſtant from *Blewick's* houſe; and to iſſue into **Marſhland**, by the direction of Mr. *Balam*, Mr. *Hewar*, and Mr. *Henry Hunſton*, through **Emneth** and **Walſoken**, in the higheſt parts of **Marſhland**.

Provided, that when it ſhall be thought by any two of the Juſtices aforeſaid, or by any four of the chiefeſt Landholders of the Country of **Marſhland**, then reſiant within the ſaid Country; that the ſame water running underneath **Broken dike**, is hurtfull to the Country of **Marſhland**, or to any part thereof; or that it ſhall be perceived by any two of the ſaid Juſtices, or by any four of the chiefeſt Landholders of the Country of **Herſhland** aforeſaid; that the Charge bearers of **Biſhop's dike** be negligent in the well defending the ſaid **Biſhops dyke**; or that the Landholders of **Oldfield** do not ſufficiently from time to time, maintain and keep **Needham dike**; or lay any Gotes or Pipes in any place of the ſaid **Needham dike**, to iſſue any water from any part of the South ſide of the ſaid **Needham dike**; or that any water is received into **Oldfield**, by any way or device, to the intent to utter the ſame at the Gote in **Broken-dyke**, other than the downfall of the Ayre falling into the aforeſaid **Oldfield**: that then, and at all times afterwards, it ſhall be lawfull for any of the Inhabitants of the Country of **Marſhland**, ſo to ceaſe the running of the water through the ſame; any thing mentioned in this Order or Law to the contrary notwithſtanding.

Or if the owners of the lands, which do lye between **Needham dike** and **Broken dike**, or any of them, do refuſe to bear and pay all and every ſuch charges to **Knight's goole**, or to any Sewer leading thereunto, as the other lands in **Marſhland** do, according to the number of Acres; and the ſame to be paid to the Dikereeves in **Emneth**.

Or if the Owners and Landholders of **Oldfield**, do not from time to time, well and ſufficiently repair and maintain, aſwell the ſaid Gote or Pipe, lying underneath or through **Broken dike**; as alſo as much of the Bank or Dike, called **Broken dike** (alias **Oldfield dike**) as the ſame Gote or Pipe is in length or bredth: Or, if the ſame Gote have not two ſtrong dores, *viz.* at each end one, always in readineſſe to be ſhut or ſtopped when occaſion ſhall ſerve, at or before the day of S. *Michael* the Arch Angel next enſuing the date hereof; and from time to time thenceforth to continue and keep the ſame in good reparations; or elſe to ceaſe, as is aforeſaid.

At a Seſſion [c] of Sewers held at **Wiſbeche** 22 *Apr. xvi Eliz.* [c] Ex cod. MS. penes præf. O. S. *John* cap. Juſtic. de Banco f. 137. a.

Ordered, that the Cauſey called **Norwol dam** ſhall be raiſed with gravell three foot higher than it is, at the coſts of the Hundred of **Wiſbeche**; ſaving a way to be left of *xii* foot in bredth, with a Bridg over the ſame as heretofore hath been accuſtomed; which Bridg to be made at the coſts of the Biſhop of **Ely**. 16 *Eliz.*

Alſo, that **Longe's dyke** in **Elme**, ſhall be made ſufficient to keep out **Says field** water, by the Landholders of **Oldfield**.

In An 1576 *xviii Eliz.* was the firſt [d] Improvement of **Needham** & **Burial** fields (lying within the Precincts of **Upwelle**) by an Agreement of the Landholders there, on the *xxiiii*th day of *June*, in the ſame year; at which time they ſetled an Acre-ſhot of ſix pence the Acre, for defraying the charge thereof. [d] Ib. f. 164 a. 18 *Eliz.*

And about two years after this, at a Seſſion of Sewers held at **Erith bigge**, *viz.* 4° *Auguſti xx Eliz.* it was ordered [e] by the Juſtices; that there ſhould be a Bank made from **Maryſſe dike** unto **Biſhop's dike** (alias **Lovedays dike**) over the River of **Elme**, to be in height eight foot, in bredth *xii* on the upper part, and in the bottom *xxxii* foot: as alſo a Clouſe at **Marisdam**; but ſo as Boats might paſſe through the ſame. And likewiſe, that the Bank beginning at **Kenſmill**, and extending to **Guy hirne**; and ſo by **Coldham** to **Fryday bridg** in **Elme**, ſhould be repaired, ſo that the height thereof might be ſix foot, the bredth in the bottom *xxiiii* foot, and at the top 8 foot. [e] Ib. f. 137. b. 20 *Eliz.*

At a Seſſion of Sewers held at **Wiſbeche** upon the 12th of *July* in *xxiii Eliz.* it was thus ordered [f]; that whereas the Common, called **Ladwers**, lying in **Elme**, is drowned for want of a Creſt, that there be a Creſt or Bank made, beginning at **Tylneyhirne**, and ſo leading to the **New Leame**; thence by [f] Ib. f. 138. b. 23 *Eliz.*

by the River of Nene to the Horshoe; thence to Warmond land; thence to the West end of Langbeche, adjoyning unto Bishops dike; which Bank to be *xii* foot in the bottom, in bredth 4 foot at the top, and in height 5 foot. And that the Sluse upon Marys dam shall be taken up; and when the said Bank is made, then to be set at New Leames end. As also a convenient Tenement built meet for a man to dwell in, for the keeping of the same. And
g lb. f. 139. a. it was likewise then ordered g; that the Towns of Upwell and Outwell, should from thenceforth be discharged from any diking in Wisbeche river, unlesse by the goodnesse of the Drayn their lands do take benefit thereby.

And in the same year, in another Session of Sewers held at Wisbeche 14 & 15 *Sept.* before *John Peyton Geo. Carleton, Humfrey Michell, Thomas Hewar* Esquires, and others, there was
h lb. f. 139. b. this following Decree h

Whereas the great River of Wisbeche is, by this our Law, ordered to be
13 Eliz. digg'd for the better grinding of the Chanel low to the Sea; we find, that Elme River, called also Elme Ee, ought to be in like sort digg'd. But whereas that part of the said River, extending from the Floudgates in Elme to Wisbeche Sluse, hath been doubted in former Sessions for Sewers, who of right ought to dig the same: and that thereupon, in a Session held 18° *Martii* 23 *Eliz.* we find that service laid upon the whole Hundred of Wisbeche: we now, upon Record shewed forth before us, bearing date the 6 *Dec.* ... *R.* 2. that Wisbeche from Stone Crosse (otherwise called Spittel Crosse) to the Sluse, should make and maintain the Sea-bank. And also in a Session for Sewers held the *Thursday* before S. *Mathew's* day, 25 *H.* 8. that from the Floudgates in Elme to Spittle Crosse, the Township of Elme should dig, and scour the same; and from Spittel crosse to Wisbeche Sluce, the Township of Wisbeche to dig the same: we ordain;

That the said River called Elme Ee shall be scoured; *viz.* from Wisbeche Sluce to Spittel Crosse (being the division between Elme and Wisbeche) by the Township of Wisbeche; and from Spittel Crosse unto the Floudgates of Elme, by the Township of Elme; and from the said Floudgates unto the Townbrigge of Elme, by the Bishop or his Fermour of Braunchmere; and from the said Townbridge of Elme to Frydaybrigge, by the Queens Majesty for her lands late belonging to the dissolved Monastery of Crouland: And from Frydaybrigg to Marysdam, by the Lord of Coldham: And from Marysdam to the cutting over the Old Ee, by the said Lord of Coldham. Thence unto Branchmere by the Township of Elme; in consideration that the said Township shall hereafter be discharged of all such like digging in and upon any the Commons of the said Hundred, Lodward excepted, & the Bishop of Ely for his length in Branchmere.

From thence to Levermere by the Township of Elme. Then for the length of Levermere by the Landholders thereof: Then to the River Nene by the Township of Elme.

And that from Marysdam, under Bishop's dike, unto Lakebrigge; and so into Welle River, shall be diked from Lakebridge unto Swan pen two parts thereof by the ..... and the third by *Richard Fyncham* Gent. And from Swan pen to Langbeche by the Township of Upwell; and for the length of Langbeche the Bishop of Ely. From thence to Gale dole the Township of Elme, Upwell and Outwell: And for the length of Gale dole by those that have the profit thereof, to Marysdam.

Which digging, *viz.* from Wisbeche Sluce to Spittel Crosse, to be 4 foot deeper than now it is, and to hold *xx* foot in bredth: and the rest by that example. Saving that the River under Bishop's dike, between Marysdam and Well streme, shall not exceed *xvi* foot in bredth.

And we also ordain, that there be made a new Crest to begin at Tilney hirne, leading to the New Leame; thence to the Horshoe; thence to Warmound land; thence to the West end of Langbeche, adjoyning upon Bishop's dike, to be made a Bank of *xii* foot thick in the bottom, 3 foot at the top, and five foot broad, at the

charge of all the Inhabitants of the Hundred of **Wisbeche.**

i Ib. f. 139 a. 29 Eliz. And at a Seſſion[i] of Sewers held at **Wisbeche** 26 *May* 29 *Eliz.* it was preſented by the Jurors, that **Nozwold** Cauſey, being in decay, ought to be raiſed 5 foot higher than it was at that time, and in bredth 8 foot on the top, at the charge of the Landholders of the whole Hundred of **Wisbeche**; and a Bridge of *xii* foot in bredth at the higher end of the ſame Cauſey, at the charge of the Biſhop of **Ely.** Likewiſe, that the Watercourſe on the South end of **Wisbeche**, ſhould have it's courſe under the great River of **Wisbeche**, through the *xiC* Bridg, and ſo by the high Lode unto the 4 Gotes: And that the waters in **Fen end** in **Wisbeche**, which have their courſe by the **High lode**, from **Leonards pipe** unto **Eyſdike bridg**, by a cut through the Bank at **Leonards pipe**, ſhall have their courſe in **Pope lane lode**, unto **Eysdike bridg**, and ſo to the four Gotes.

k Ib. f. 164 a. 31 Eliz. At another Seſſion[k] of Sewers, held alſo at **Wisbeche** 10 *Oct.* 31 *Eliz.* by Sir *John Peyton* Knight, *Nich. Hare*, *John Colvile*, *John Reppes*, *George Carleton*, *Thomas Hewar*, *Charles Balam*, *Richard Buckworth*, and *Alex. Balam* Eſquires, Commiſſioners of Sewers, then conſtituted, it was thus decreed; That whereas the Fen, called **Needham** and **Burtall** Fen (lying in **Elme** and **Welle**) had antiently been drayned into the little Lode in **Welle**, called the **Sholle**, at the Stone Croſſe; and ſo by **Welle** River, deſcended into **Ouſe** at **Salters lode**: but then, having no deſcent into the ſaid **Little lode**, by reaſon that the height of the water therein was 2 foot above the Level of the ſame Fen: And whereas the Landholders in the ſame Fen, having, to their great charge, procured a new Drayn, paſſing under the Bank called **Greendike** (where they have erected a Sluſe for that purpoſe) and from thence by a Sewer upon the East ſide of **Peares grove**, by another Sluſe, by them likewiſe erected at **Stow-ſted**, to ſtop **Needham** water for running into **Budbech field**, where the ſaid Sewer taketh its courſe into the Drayn of the ſame **Budbech field**, and ſo continueth therein, by and through a Pipe lying under the ſaid **Little Lode** of **Welle**; and thence paſſeth to **Hodg hirne** corner, where they (by the conſent of Sir *Robert Bell* Knight, late Lord chief Baron of the Exchequer) cauſed a new Sewer to be made through a ſeveral ground of the ſaid Sir *Robert*, called the **Fences**, and **Bardolph fen**, by the ſpace of 2 miles, or more, in length; and from thence, by the conſent of *Nich. Hare* Eſquire (Lord of **Stow-Bardolf**) did carry the one half of the ſaid Sewer called **Common lode**, between divers ſeveralls, lying in **Stow Bardolf** aforeſaid on the North, and the Common Fen belonging unto **Stow Bardolf, Wimbotesham**, and **Downham** on the South; and ſo through another Sluſe (lately alſo erected by the before-mentioned Landholders) into the River of **Ouſe**: And whereas the ſaid Sewers and Sluces, were found to be moſt beneficial for the drayning of the Fen above-mentioned, the ſaid Commiſſioners ordered that they ſhould continne for ever, and be maintained from time to time, by a Common Acre-ſhot upon all the lands in **Nedham** & **Burtall** aforeſaid.

Which new Sewer for **Nedham**, doth from **Hodghirne**, before-mentioned, to **Ward bigge**, in **Stow**, contain *Lxxii* Rode and a half: And from thence to the Sluſe by **Ouſe** *Cxiiii* Rods and a half.

And they then alſo decreed; that for taking away of the Sock of **Biſhop's dike**, and better drayning of this Fen, a Drayn ſhould be made under **Biſhops dike**, within the ſaid Fen, *xxx* foot, at the leaſt, from the ſaid **Biſhop's dike**, in bredth *x* foot, and depth..... the menour whereof to be caſt towards **Biſhops dike**: The which Drayn to begin at **Fenbridge**, and to go to the Barrs that part the Fen, in the poſſeſſion of *Alex. Baalam* Gent. *&c.* thence to a pair of Barrs ſtanding on **Biſhops dike**, next to the Weſt corner of **Walles fen**; then to the Drain called **Langbech**, thence to **Dods ſtile**, and thence, under **Greendike** to the Sluſe lately erected at *S. Chriſtopher's* Chapel.

And that there ſhould be another ſewer made from **Hall's fen** to the ſaid

ſaid Sluce at St. *Chriſtopher*'s Chapel.

And likewiſe that an antient Sewer (belonging to the ſaid Fen) called **Knights dike**; beginning neer **Benſoyd's Hall** (now Mr. *Alex. Balaam's* houſe) and ſo paſſing under **Needham dike** on the North, ſo unto **Elme Drove**, and thence to the Drove in **Burtall field**, neer S. *Chriſtopher*'s Chapel, ſhould be kept and maintained, in bredth *xii* foot, and in depth five. And moreover, that the agilted Dike, called **Ea Drinke**, beginning at **Needham dike**, and extending from **Harpes dam** unto **Dod's ſtile**, ſhould be from time to time repaired.

And that for default in payment of the Acre-ſhot, the Dikereeves to levy for every *iiii* ˢ. by them expended, *vi* ˢ. and for every *iiii* ˢ. unpaid to levy *vi* ˢ.

Likewiſe, that an Indike be made on the North ſide of the Sewer, extending from **Hodgkirke** through **Bardolph fen**; and a new Sluſe neer the River **Ouſe**, at the Eaſt end of **Common lode**; and an Acre-ſhot of *xii* ˢ. the Acre, impoſed upon all the lands in **Needham** and **Burtall**, for ſupporting the charge thereof.

And, that, for default in payment of the Acre-ſhot, diſtreſſes ſhould be taken and ſold, (reſtoring the Surpluſage) in any Market within ten miles.

lib. f. 168. b. And at a Seſſion of Sewers [l] holden at **Lynne** *Regis*, *ult.* *Sept.* 33° *Eliz.* before Sir *John Peyton* Knight, *Nich. Hare*, *Humfr. Guibon*, *Edm. Bell*, *Rob. Foreſt*, *Thom. Oxburgh*, *Alex. Balam*, *John Willoughby*, and *Miles Foreſt* Eſquires, it was farther ordered, that whereas the Acre-ſhots impoſed upon *Richard Fyncham* Gent. towards the drayning of **Needham fen**, amounting to *xxxvi* ˡ. *viii* ˢ. were not paid, nor any diſtreſſe to be found upon the grounds charged therewith; and that *Rich. Fyncham* and *Rob. Fyncham*, intereſſed in the reverſion of the ſaid lands, did refuſe to pay the ſame; that *John Fyncham* of **Upwell** Gent. having paid the ſaid ſum to the Dikereeves, ſhould have the ſaid lands for a certain term of years.

[l] Upon the 19 of *Sept.* 39 *Eliz.* at a ſeſſion of Sewers, held by *Edmund Bell*, *John Reppes*, *Tho. Hewar*, *Tho. Oxburge*, *Rich. Ogle*, *Anthony Irby*, *Alexan. Balam*, *William Guibon*, and *John Hunt* Eſquires, there were certain Laws and Ordinances [m] made, concerning the courſe of **Welney** ſtream, and **Welle** ſtream, with other Sewers, the ſubſtance whereof are as followeth; *viz.*

[m] Ex bunde'lo in Capella Rotulorum n. 27.

Whereas it is evident, that not only the Rivers of **Grant**, **Nene**, **Ouſe**, and **Welland**; but the land-waters from the Counties of **Hunt. Northampton**, **Cambr.** and **Norf.** and ſome part of **Suff.** which border upon the Iſle of **Ely**, do ſtay in the Fenny grounds of the ſaid Iſle &c. foraſmuch as neither the ſeveral Rivers, nor the other ſtreams that are fed with the ſame, as **March** ſtream, the **New Leame**, the **Weſt-water**, and divers Lodes within thoſe limits, be ſufficiently clenſed, not imbanked for the ready conveyance of them to the Sea; by means whereof the Out-ring Banks of **Deping**, **Croyland**, and **South Ea** in *Com. Linc.* and the **Fen dike**, **Walterſey** Bank, **Biſhop's dike**, **Elme Ee brinke**, **Coldham**, and **Redmore** Bank, in the ſaid Iſle of **Ely**, and the out-ring of **Marſhland**; as alſo the **New Powdike** in *Com. Norff.* are in years of water, much chargable to the owners and Inhabitants of thoſe Countries, and thoſe Fenny grounds lye unprofitable. The ſaid Commiſſioners, deliberately conſidering the redreſs, do conceive, that by renewing of the former depth and wideneſs of thoſe Rivers, Lodes, and ſtreams; as alſo of the decayed Banks; and by farther imbanking in places convenient, the ſaid Mariſh grounds will be perfected or much amended: and therefore did ordain, that **Welney** ſtream, and **Well** ſtream, from **Littleport Chayre** to **Well ea**, and ſo towards **Elme** (as the ſame have been accuſtomed to have their fall) And **March** ſtream unto **Shrewyſneſſ**, where it falleth into **Well** ſtream: As alſo, that the water of **South Ea**, anciently called the **Old Ea**, from **Clow's Croſſe** unto **Guy hirne**, before the *x* of *December*, which ſhall be in the year 1598. ſhall be clenſed and ſcoured by ſuch as were to do the ſame.

Great moor Law.

39 Eliz.

And that the Lode, called **Small lode**, from the great River in **Upwell** to **Ingram's hyrn** be ſcoured by Sir *John Pey-*

Peyton Knight, Dame *Dorothy* his wife, or *Edm. Bell* Eſquire, for their lands in **Upwell** and **Outwell**, parcel of the Poſſeſſions of the late Abby of **Dereham**; and thence to **Seman's goole**: and thence to **Northdelph**, by thoſe whoſe lands lye adjacent thereto. So alſo **Darcey-lode**, and **Coxlode**. Likewiſe that **Maid lode** and **Ship lode**, and the moytie of **London lode** (which endeth at **Northdelph**) ſhould be perfected, the Banks to be made in the bottom *xvi* foot, and four in the top, and five foot in height. And the ſaid **Maid lode** to be five foot deep, and *xxx* foot wide, by the ſpace of the firſt 2 miles thereof: And for the next two miles, in wideneſs 25 foot; and for the reſidue of the ſame and **Shiplode** *xx* foot; with a Sluce at its fall into the River of **Ouſe**, in wideneſſe *xii* foot of water; and in depth below the low-water-mark of the ſaid River, as it hapneth to be about *Bartholmew tide*; all to be done by thoſe that have intereſt of Common in **Neatmore**.

And the other moytie of **London lode**, beginning at **Upwell** Cauſey, to be done by the Inhabitants of **Upwell**, for the reſidue of their Common called **Neatmore**, lying without the limits. Likewiſe, that a Tax of *x* s. the Acre, be impoſed, for erecting of Sluces, heightning of Banks, and making of Drayns; and in default of payment thereof, the one half of their lands who ſhall neglect, to be ſold.

Moreover, that for drayning of **Denver fen**, a Sewer of *xviii* or *xx* foot in bredth be cut through the ſame, to the great River of **Ouſe**, and a Sluce at its entrance thereinto.

And, that the Bank called **the Cauſey**, extending from the Croſſe at **Upwell** Town's end, unto **London lode** head; and the Bank called the **Indike**, leading from thence by the North ſide of **London lode**, to **Welle ſtreme**, at **Northdelph**, with ſufficient Indikes to the ſaid Bank and Cauſey, ſhould before the firſt of *Jan.* next following, be made and maintained of the like wideneſſe, height, and bredth, as thoſe that ſhould be Purchaſors or Leſſees did or ſhould make theirs between **London lode** and **Maid lode**, on the Weſt head thereof. And laſtly, that the Dikereeves ſhould levy *ii*^{d}. for *i*^{a}. upon all that did make default in paying of their proportions (according to the Cuſtome of **Marſhland**). And if the Dikereeves ſhould be remiſſe, then the Commiſſioners to levy the ſaid *ii*^{d}. for *i*^{a}. and *i*^{a}. upon the ſaid Dikereeves, beſides.

Which Acre-ſhot being not paid by the ſaid Sir *John Payton* and his Lady, and *Edmund Bell* Eſquire, as it was decreed by the before-ſpecified Commiſſioners; there was a Seſſion of Sewers held at **Sechie**, in *Com. Norff.* upon the eighth day of *May*, the next enſuing year, by *Francis Gawdy* Eſquire, one of the Queens Juſtices of the Pleas, before her ſelf to be holden; and in that Seſſion a demiſe, [n] for thirty nine years, made unto *Will. Ingelbert*, and others, of divers lands, belonging to the ſaid Sir *John*, Dame *Dorothy* his wife, and *Edm. Bell*; to the end that the ſaid *Will.* and his fellow Leſſees, ſhould out of the profit of thoſe their lands, make performance of what had been ſo decreed, by thoſe Commiſſioners. 40 *Eliz.* [n] Ib. n. 26.

And at another Seſſion [o] of Sewers, held at **Dounham**, in *Com. Norff.* upon the *xx* of *Sept.* in the ſame year, by the ſaid *Francis Gawdye, Edmund Bell, Clement Spelman, Edmund Moundeford, John Reppes, Thomas Hewar, Thomas Oxburgh* Eſquires, and others; recital being made, of the Laws and Ordinances, for drayning the Fens and Marſhes before-ſpecified; the ſaid Commiſſioners decreed; that *Will. Engelbert, John Watts*, and others, and their heirs and aſſigns, being undertakers for the ſaid drayning; and to keep and maintain the ſame, being perfected; ſhould have the full moytie of the ſaid Fens ſo drayned, which lye and adjoyn to the ſaid Lode, called **Maid lode**; and likewiſe the moytie of all the ſeveral grounds, wherein no Common is or ought to be enjoyed, within the ſaid limits between **London lode** and **Maid lode**, and other the Precincts aforeſaid, except of the ſeveral grounds of Sir *John Payton* Kt. Dame *Dorothy* his wife, and *Edm. Bell* Eſquire, or any of them, within thoſe limits. [o] Ib. n. 25.

After this, at another Seſſion [p] of Sewers holden at **Sechie** aforeſaid, upon *Wed-* [p] Ib. n. 19.

Wedneſday in *Eaſter* week, being the *xi* of *April*, in the *xli* year of the ſaid Queen, by the ſaid *Francis Gawdy*, *Clement Spelman*, and others; recital being made of thoſe Ordinances eſtabliſhed in the former Seſſion, before noted, held the 29 of *Sept.* 39 *Eliz.* for drayning the Marſh-grounds in **Upwell** before-ſpecified, by a **lode** called **London lode** (provided for the drayning of **Neatmore**, and certain grounds adjoyning) on the North part, and the drayns called **Mayde lode** and **Ship lode**, on the South: whereby the Banks were appointed to be *xvi* foot broad at the bottom, in height five foot, and in bredth at the top four foot: as alſo the Dikes five foot deep, and in wideneſſe at the top *xx* foot, for the firſt two miles; and for the next two miles *xxv* foot; and for the reſidue of the ſame and **Shiplode** *xx* foot, with a Level bottom unto the Sluſe for the ſame, at the River of **Ouſe**, which Sluſe to be *xii* foot wide, the one moytie to be done at the charge of all thoſe as had intereſt of Common in the ſame; and the other moytie to be done by the Inhabitants of **Upwell**, for the reſidue of their Common, called **Neatmore**, lying without the limits aforeſaid imbanked. And, that aſwell every Acre of ſeveral ground, as that wherein any had intereſt of Common, lying within the Precincts above-mentioned, was aſſeſſed at ten ſhillings the Acre, towards the erecting of the ſaid Sluſe, heightning of the ſaid Banks, and making of the Drayns or Lodes, called **Maid lode** or **Ship lode**, and the ſaid moytie of the ſaid Drayn, called **London lode**: and that the lands of ſuch as were ſo taxed, and in default, to be ſold; the ſaid Commiſſioners, by virtue of the before-ſpecified Ordinance, did decree, divers lands to be accordingly ſold, for ſuch their default in payment of what the owners of them had been ſo aſſeſſed and taxed.

41 *Eliz.* 9 *Ibid. n.* 20. *Extracted out of a Certificate* 9 *of certain Commiſſioners aſſembled at* **Upwell**, 24° Sept. 41 Eliz.

1. That the Bank ſometime called the **Creſt**, but now **Turk-banke**, lately re-edified for the defence of the waters out of the Fen in **Upwell**, lying betwixt **Mayd lode** and **London lode**, will be of great advantage to many of her Majeſties ſubjects; for beſides the improvement of the whole grounds imbanked, which are eſteemed 4000 Acres at the leaſt, from *i* d. the Acre, to 3 s. 4 d. or more, there ariſeth an improvement of a great number of Acres in **Denver**; and likewiſe the defence of the Banks of **Plawfield** and **Churchfield**, in **Welle**, which were heretofore much oppreſſed with water: as alſo of the new **Podike**, againſt the freſh waters.

2. That this Bank; called **Turkes banke**, was erected about two years ſince: but there was long before, and yet is, an antient Bank or Cauſey, neer the ſaid new Bank, called **Turks banke**, and on the Weſt ſide thereof, towards the Iſle of **Ely**: which Bank was originally made for defence of the waters coming out of the ſaid Iſle, from overflowing the grounds now imbanked, and other adjoyning grounds; and for a way and paſſage for footmen between **Welle** and **Welneye**.

3. That there hath been of antient time another old Bank or Creſt, called the **Common mowe**, on the Weſt part of the ſaid old Bank, towards the ſaid Iſle, adjoyning unto the River of **Welleneye**, being the diviſion between the ſaid Iſle of **Ely** and **Norff.** VVhich ſaid Bank was made for keeping thoſe waters of the ſaid Iſle in their antient and right courſe.

4. That it appeareth by certain Court Rolls and Records, that divers perſons have been amerced and fined in the time of K. *Edw.* 1. and ſince, for cutting of the ſaid Bank, whereby the ſaid River of **Welneye** was turned out of his right courſe; and whereby the grounds on **Norff.** ſide, confining upon the ſaid River of **Wellneye** (part whereof is now inned) were ſurrounded.

5. That after the Drayns called **Mayd lode** and **Ship lode** are perfected (as by a Law of Sewers is provided) the Inhabitants of the ſaid Iſle, and other the Countries confining, ſhall receive much more benefit, and be better drayned, than before the inning of the ſaid grounds and erection of the ſaid **Turks banke**, they have been.

41 Eliz
1 ibid. n. 23.

The Preſentment [1] *of the Jury for the Iſle of* **Ely**, *made* 25° Sept. 41° Eliz.

1. That the Bank called **Turks banke**, containing in compaſſe about *xv* miles, will be a great hinderance to the fall of many waters, flowing towards the Sea through the Iſle of **Ely**, it being planted between the two moſt natural Drayns on that ſide the Iſle, at the meeting of many waters, flowing out of **Neene**, **Ouſe**, and other ſtreams, falling by **Dodington** and **March** *&c.* and ſo turneth them unto the other ſide of the ſaid Iſle, towards **Littleport**, and the Countries thereabouts; where, falling into the **Ouſe**, they ſtop the waters naturally flowing into thoſe quarters from that ordinary Drayn *&c.* Whereupon complaint being made unto Mr. Juſtice *Gawdy* and other Commiſſioners of Sewers, ſitting at **Sechie** in *Com. Norff. xi* of *April* laſt paſt, it was by them ordered;

1. That the ſaid **Turks banke** ſhould be preſently cut.

2. That **Small lode**, **London lode**, and **Mayd lode** be ſufficiently ſcoured by the Inhabitants of **Welle** and the *Londoners*.

3. That **Mayd lode** be made *xxx* foot wide; at the mouth *xxv*, and *xx* foot at the Sluſe, with Sluſes to carry it; and five foot in depth; and ſo to be maintained by the *Londoners*, as need ſhall require.

Whereupon on *May* day following, the ſaid Bank was cut in many places, by reaſon whereof the water ran ſo forcibly through the ſaid Cuts, that for the ſpace of *x* or *xii* days after it ſucked in divers Boats and Veſſels paſſing that way.

And it was farther preſented, that a little without the upper end of this Bank, there hath been a Creſt, for people to travel on, from **Welney**, to **Welle**, in the Summer time when the waters are down: for which cauſe the ſaid Church-path being about fifty years paſt made of more ſtrength and height, than in former times, by one Mr. *Beaupre*; the ſame was, not long after, cut down in many places, by the expreſſe command of Biſhop *Goodrick*, then Lord Chancellour of **England**, and Biſhop of **Ely**.

In 44 *Eliz.* there was an Agreement, bearing date the *xx* of *March*, made by Indenture, between Sir *John Peyton* Kr. Dame *Dorothy* his wife, and *Edmund Bell* Eſquire, then owners of the Manour of **Upwell**, *John Richardſon* and divers others who were at that time the major part of the Commoners and Inhabitants of **Upwell** aforeſaid; and *John Watts* Citizen and Alderman of **London**, Sir *William Cokain* of **London** Skinner, and others, for the drayning of divers Fenny VVaſts and Commons, containing about three thouſand acres, lying in **Upwell**, between a certain Drayn called **London lode** towards the North, **Maiden lode** and **Ship lode** towards the South, and towards the VVeſt adjoyning to and upon the Cauſey-bank extending from **London lode** to **Welney**; and towards the Eaſt upon **Denver** Common; for drayning and maintaining whereof they were to have conveyed unto them, their heirs and aſſigns, one full moytie of the ſaid waſts: VVhereupon with the expence of great ſums of money they did accompliſh the work, and accordingly had the ſaid moytie thereof ſet out for them; which they enjoyed for divers years, till about the latter end of King *James* his Reign, that the Fen-waters broke their Banks and drowned all again: the Country people then turning the Adventurers out of their poſſeſſions; which they kept, till *Francis* late Earl of **Bedford** became the principal undertaker for draining of the whole great Levell, and did perform the work. But afterwards his ſaid drayning meeting with ſome diſaſters, the whole Levell became totally ſurrounded again, and ſo continued untill *William* Earl of **Bedford** and his Participants, did in the year 1649. undertake to drayn it anew; which in four years time he perfected (as I have elſwhere more fully ſhewed) VVhereupon Sir *John Watts* Knight, and ſome others, who claimed under the firſt undertakers before-mentioned, were reſtored to the poſſeſſion thereof.

[f Ex præf. cod. MS. penes O. S. John cap. Justic. de Banco. f. 169. a.

At a Seſſion f of Sewers, held at **King's Lynne** 1. *Octob.* 7 *Jacobi*, before Sir *Raphe Hare*, Sir *Thomas Hewar*, and Sir *Henry Spelman* Knights, *John Reppes*, *Thomas Oxburgh*, *Thomas Athow*, *Rob. Gawſell*, and *Richard Bacheroft* Eſquires and others, it was ordained, that the Decree made for the drayning of **Needham** fen, and **Burlall** field, the tenth of *October* 31 *Eliz.* ſhould be confirmed in all points; and an Acreſhot of x^d. the Acre impoſed for the ſpeedy redreſs of all defaults, in the ſaid Drayns, Banks &c.

7. *Jacobi.*

Certain Obſervances made upon the Marſhes, below the 4 **Cambridgshire** *Gotes, of the outfall of* **Wisbeche** *River, and certain Creeks there, with their Sands and Deeps; by* Richard Atkins *of* **Upwell** *Gent. in* June 1605.

3 *Jac.*

WIsbeche Chanel falleth, from the 4 Gotes Eaſtward, down by **Walpole** Marſhes, on the Eaſt and South, to **Croſſe-Keys** Corner (alias **Gates-end** Corner) and from thence paſſeth towards **Tirington** Bank; leaving to the Southward, an high Skore of Clay (the only preſervative of the Town:) And when it hath run Eaſt, as low as againſt the Beacon, then doth it turn flat North under the Sand called **Tirington breſt**, lying on the Eaſt of the Chanel: and ſo continueth Northwards, by the ſaid Breſt, by the ſpace of 5 miles; and there falleth into **Blow deepe**.

It is to be obſerved, that upon every flow, there commeth from the North out of **Blow-deepe**, a Tide, which runneth along **Tirington breſt** on the Eaſt ſide, and a Sand called the **Thief**, on the Weſt: And out of the Weſt, from a Chanel called the **Wards Eye**, commeth another tide; and both theſe do meet within a mile of **Tirington** banks; and ſo meeting, do make great Seas there: And many times, when the wind is at Weſt or North, the Seas riſe there higher than they do ten miles off at Sea. Theſe two Tides, thus united, with violence run right upon **Tirington** banks; and but that God of his mercy, hath there placed a Skore of Clay, containing not above a furlong in bredth, the Bank could not, in man's reaſon, ſtand the next 3 Tides.

This Skore of Clay, by the fretting of the Sea, dayly waſteth; and the people of the place, not underſtanding what a defence it is to their Banks, continually bear away the ſame to the repair of thoſe Banks, never foreſeeing their deſtruction, if that Skore of Clay were once gone, and the Sea at the ordinary depth of his Chanel, ſuffered to come to the foot of the Bank.

Where **Wards Eye** meeteth with **Tirington deep**; at the very entrance thereof, at a dead low water, it exceedeth not 5 or 6 foot deep at this day; and it hath been obſerved, that in a great drought, the whole mouth thereof hath been ſtopped with ſands; but upon the next great freſh that hapned, all thoſe ſands have been removed, and the Chanel grown to the old courſe again. Here is a ſpecial obſervance to be made, *Qui habet intellectum attendat.*

Decurſus namq; aquæ dulcis, viam præbet marinæ: Oceanus interim, ex duobus his canalibus æſtuans, foſſata marina alatrando, alluendo, inundando, & lacerando ſæpiſſimè graviſſimeq; ita excercet, ut, deficientibus aggeribus (de quibus malè ſuſtentatis multùm doleo) de finali perditione & diſſolutione partium adjacentium, veriſimiliter (quod abſit) formidatur; niſi &c. *Hinc naſcitur periculum & onus; illico acquirendum eſt remedium & ſalus: Homines verò patriæ cum pleriq; inertes ſint & hebeti ingenio, in ſe invicem nuper pro foſſatorum ſuſtentandorum oneribus obruentes de remedio ex ſublatâ cauſâ, ne ſomniare quidem poſſunt; ſed nec ingenioſos inertiamq; ſuam deſidioſam exoſos, inter ſe vivere vix ſuſtinere poſſunt.*

The Leame, how preſerved from ſilting.

The head of the 4 **Lincolnshire** Gotes is preſerved (eſpecially in Summer) by two great Finns brought of the Marſhes juſt to the mouth of them, which in every Spring-tide affoard ſtore of water to grinde down the Chanel; whereof that on the North ſide is the more principal; for the conducting whereof to the place of beſt advantage, the **Leame** is embanked on that ſide by ſome certain ſpace; that the tide on the Marſh cannot fall into it but by that

Fime at the very head; and there, by his plentifull descent scoureth, to good purpose, that which otherwise in Summer would be silted up: such penury there is of fresh waters in the Country at that time.

19. *Jac.* An. 1621. † Ex bundello Decretorum in Officio de Petibag.

In 19 *Jac.* there was a Decree † made at **Dutwell**, by the Commissioners of Sewers then sitting there, for levying the forfaitures and penalties imposed by the Jurors for the Hundred and half of **Clakclose**, upon the Landholders of **Churchfield** and **Plawfield**, for not making sufficient Sluses; *viz.* one at the South end of the Pipe under **Welle** River; the other in **Plawfield** Drayn, in the *xxx.* Acres of *John Fyncham* Esquire.

2c. Sept. 8. C. R. An. 1632.

And in 8 *Caroli*, there having been an Agreement made with *Henry Dereham* of **London** Esquire for the drayning of certain Fens, and surrounded grounds, lying in the Parishes of **Tyd S. *Maries*** in the County of **Lincolne**, **Tyd S. *Giles*** and **Newton** in this County of **Cambridge**, made by the proprietaries and owners of the said Fens, containing by estimation three thousand Acres: by which Agreement the said *Henry* was to make his Draynes unto the outfall, neer **Catts mere**, into the Sea, so that the said grounds should be kept dry, at least one foot under the soil; and for his charges therein, that a Tax of *xl*s. the Acre should be imposed; and in default of payment thereof, that the said *Henry* should have two fift parts of the said grounds upon an equal division thereof into five parts, to be established to him and his heirs for ever; and a moity of the said two fift parts, to be set out to the said *Henry* and his heirs, for the maintaining of the said works, after they should be perfected: the said Agreement was fully ratified by a Decree made at **Wiseberhe** upon the 20th. of *September*, the same year, in a Session of Sewers then and there held.

CHAP. XLIX.

The Isle of Ely.

HOlding on my course more Westwards, I come to that part of this County, which is called the Isle of **Ely**; the bounds whereof I shall next take notice; and then of what else is most memorable touching the Fens, which do belong thereto.

The circuit of this Isle, saith the Register [a] of **Ramsey**, beginneth at **Erith bigge**, and from thence extends to **Sutton grove**; so to **Mepehale**; thence to **Wichhome bigg**; thence to **Ely Dounhom**; thence to **Litilport**; thence to the Town of **Ely**; thence to **Haveringmere**; thence to **Stratam lode**; thence to **Anglongweschе**, on the South side of the Isle; thence to **Aldirhethe bigge**, and so to **Erith bigge**.

[a] Pet. è *Henr. Comwell* arm. f. 67. b.

The entrances into it are these; the first at **Litilport**; the second at **Stuntmere bigge**; the third at **Alderhethe bigge**; and the fourth at **Erith bigge**.

Moreover it is to be noted, * that the Commons in the Fens of this Isle, are divided from those of **Chateriz**, at **Snarisiode**: whence the Commons of **Chateriz** go on to **Mepehale hee**; and so to **Andelong bihee**. Howbeit the Commons of **Chateriz** fen, to mow, cut and dig, beginneth at **Dyke bryeskeu**, and so goeth on, betwixt **Arnyatesmere**, and thence to **Blakwell**; and from **Blakwell** to **By Ee**; and from thence compassing **Hunn Eye**, unto **Langereche**; thence to the River of **Dodyngton**; then to **Billynge**; thence to **Algaris**-fen, and so over the fen, to **Achinwerdore**. But the pasture belonging to **Chateriz** goeth first to **Dounham**; thence to **Wycheham**; thence to **Sutton**, and so to **Dodyngtone** and **Marche**; within which Precincts the Monks of **Ramsey** had enter Common with **Chateriz**.

* Ibid.

Commons in the Fens of this Isle, how antiently bounded.

Belonging likewise to **Chateriz** are these Meadows; *scil.* **Crow lode**, beginning neer **Suth fen muthe**, and extending to **Hol lode**; which Meadow

is

is compaſſed with waters on every ſide. And on the other ſide the water, from **Parkhale** to **Fenton**, is **Welagh**; beſide one piece which the Abbeſs hath.

The demeſne Fen of **Crowlode**, belonging to the Abbot of **Ramſey's** Mannour in **Chateriz**, beginneth at **Wolvey were**, which ſtandeth in the great River, neer to the place where **Fenton lode** deſcendeth thereinto, hard by **Hoxhithe**; and ſo goeth on, in length, by the ſaid great River, Southwards, unto **Croſlode**; which **Croſslode** is by ſome called **Parkhale lode**, but by others, the **Draught**: and farther extends it ſelf, thwarting the Fen, to the Weſt, by the Southſide of the ſaid Fen, called **Crowlode**, unto **Wolvey lode** (which by ſome is called **Fenton lode**) and thence to **Wolvey welagh**, which ſtandeth neer the ſaid River, on the North part of **Wolvey lode**, and oppoſite to **Wolvey were** aforeſaid: within which precinct the Abbeſs of **Chateriz** holdeth one part of a Meadow, which *Hugh Folyot*, ſomtime Abbot of **Rameſey** gave unto her.

It is alſo to be noted, that the Soke of **Somerſham** ought to Common, aſwell in grazing as mowing, in that Fen, which extendeth from **Erith bigge** unto **Parkhale lode**; by the River; and thence to **Fenton welugh**, to graze and mow; and for *Houſebote* and *firebote*: and from **Fenton welughe**, they ought to Common in grazing, unto **Weremere**; and from **Weremere** likewiſe to **Thornbrigge**. And it is likewiſe to be noted, that within thoſe Precincts Sir *Will. le Moigne* hath one Field, which is gained land, and a grove of Alders with two meres at **Roweye**.

[b] The bounds of **Higgen Eye** fen, recovered by *Simon* Abbot of **Ramſey**, were theſe; *viz.* from **Calverwodeyate**, and ſo directly to **Munke lade**; thence to **Hokeſlade**, deſcending towards **Glatton**; and ſo by **Hokeſlade** unto **Brychmere poolys**; thence to **Walton elde lode**, directly to **Brych holt**; and thence to the dry land of **Higgen Eye**, at the corner of **Brych holt**: and there, by the dry land to **Noxth weine**; and thence unto **Calverwodeyate**; which Fen containeth a thouſand Acres.

b f. 78. b.

Within the precincts of the waters, belonging unto this Iſle of **Ely**, there is a little Iſland, called **Ehmenete**, [c] wherein the Monks of **Ely** had a Cell; which, by reaſon of thoſe obſtructions, that hindred the freſh waters in their paſſage through this great Levell, from evacuating themſelves, as I have before obſerved, became, by the ſwelling of thoſe waters, almoſt drowned: upon a great complaint, [d] therefore, made by the ſaid Monkes unto *Alberic Picot*, he gave [e] them four Acres and an half of ground in the Iſle of **Denney**, which lay without the reach of the Fen; to the end, that they might tranſlate their Houſe thither, and make Orchards and Gardens there for their uſe.

The Iſle of Ely.

c Ex hiſt. *Eliens. Inſulæ in bibl. Cott. n.* ſub effigie *Titi* A. 1. f. 50. a.

d e Ibid.

The next thing of note, in reference to this Iſle (wherewith I have met) is the repair of the Cauſey leading thereto, in 5 *H* 3. the King then giving [f] unto *Peter de Valentiniis* (a Monk of **Ely**) four Oakes to be taken out of his Foreſt of **Wauberge** (in **Huntendonſhire**) for that purpoſe; the Record terming it *Calcetum de* **Ely**; which makes me think, that it was the Cauſey leading from **Soham** to **Ely**, conſidering the antiquity [g] thereof: for whether there were any other at that time, I make a queſtion; becauſe many years after this, the Barons, who took up Armes againſt K. *Henry* the third, made this Iſle their laſt refuge (as in the *xli.* Chapt. is obſerved) which could not have afforded ſuch ſecurity to them, had there been many acceſſes to it by land.

f Clauſ. 5 *H.* 3. p. 1. m. 15.

g Vide Cap. *xli.*

But what deſerveth more obſervation, is the commodious and flouriſhing condition of ſome of the Fens pertaining antiently to this Iſle; which occaſioned no ſmall diſpute betwixt the borderers thereon, touching the extent of their ſeveral bounds: for in K. *Henry* the firſt's dayes, I find; [†] that after a long conteſt between the Church of **Ely** (*Nigell* being than Biſhop) and Abby of **Thorney**, about the limits of **Wytlebeche** fen, and **Thorney** fen; as alſo of **Thorney** fen and **Wytleſey** fen; there were choſen divers prudent men, aſwell of the Clergy as Laity, by the conſent of all parts, who thus ſubſcribed

† Ex Regiſt. de Thorney, penes *Mildmay* Comitem *Weſtmerl* part. 3. Cap. *xv.*

The Isle of Ely.

and setled the same, *viz.* from **Tidbrithwic**, above the old stream, by **Scepelac** unto **Toft**, and thence by **Schepelak** unto **Cnoz**; thence to **Ringmere**; thence (betwixt **Thorney** and **Wytlesey**) from **Cnoz** to **Midsentre**; and from **Midsentre** unto the stream called **Must**.

Notwithstanding which conclusion, some of the succeeding Abbots were not satisfied (as as it should seem) for it appears, * that in 19 *H.* 3. upon claim made, by *Robert* the then Abbot, unto a thousand Acres of **Wylebeche** fen, *Hugh* ..... ᵗ. at that time Bishop of **Ely**, by a Fine levied at **Huntendon**, on the *Octaves* of S. *John Baptist*, before *Robert de Lexinton* and his fellow Justices Itinerant, did grant and confirm unto the before-mentioned Abbot and the Church of **Thorney**, a full mile within that Fen; *viz.* betwixt the Abbot of **Thorney's** wood and **Wylebeche** towards the East, North, and South (according to the perch of xx. foot:) and where the said wood determineth, the Abbot to have the said mile, by a line directly extended unto the division of the Counties of **Lincolne** and **Cambridge**; and unto other boundaries, which divide their own Fen, betwixt **Wytlesey** and **Thorney**; to enjoy to himself and his successors for ever.

* Ibid. Cap. Cxxxvii.

About this time, also, the extent of a large Fen, called **Heye fen**, belonging to the Mannour of **Wylebeche**, and to the Towns of **Leverington**, **Neuton**, **Tid**, **Elme**, and **Welle**, within the liberties of **Ely**, was thus set ʰ forth; *viz.* from the **Shof** to the **Horshoo**, by the old stream; and from the **Horse shoo** to the Bank of *Robert* of the *Marshe*; and from thence to **Wride**, by the Abbot of **Thorney's** Bank, unto two furlongs beyond **Knoz**; and so to **Orchardstede**; thence to **Stodpathe**; thence to **Wype**: from **Wype**, by the **Ded hee**, to **Nymeres**, and so to **Westfencote**, by the same stream; and thence to **Wylemouthe**: thence to **Suerdesdelfe** to **Gzete cros**; thence by **Iden hee** to **Quedale**; so to **Merchforde**: thence by the **Kirke**, and the **Heyeront** unto **Echinghee**: and so lineally, by **Heyront** to **Charmerecote**: thence to **Stanymeres**; thence directly to **Freileswere**; and so, by **Oldwellen hee** to **Millestede**, and from **Millestede** to **Shrewediche**, where all the said Towns ought to eat in Common Horn under Horn, with their Cattell.

h Ibid.

Touching the Fen, called **Kingsdelfe**, belonging to the Abby of **Ramsey**, it likewise appears, ⁱ that the bounds thereof began at **Hindelake**, and thence extended to **Gangstede**; thence to **Southea**; thence to **South South Ea**; so to **Pokelode**; thence to the head of **Gzesemere**; thence to **Pakkelode**; and so by the Marshes and stream called **Cnoutesdelfe** and **Middelmoz**, to **Hindeslake**. But the whole territory of **Ramsey**, with the Hundred of **Hirstington**, were much more large; *viz.* ᵏ from the Stone neer the House of *John Freman* (Son to *Thomas* of great **Ranele**) unto **Walton barwe**; thence to **Hokeslede**; and so to **Tozoldescote**; thence to **Halteshers**, and so to **Hindeslake**: Thence by the stream called **Cnoutesdelfe**, dividing **Middilmoze** and **Kyngesdelf**, unto **Steylinghale**: thence to **Schelwpol**, and so to **Cromestal**: thence to **Wetinges**, and so to **Etinges**: thence to **Athelstonesdelf**, so to **Depelake**: thence to **Hokewerebiht**: thence to **Wolfeye lode**, so to **Colputteslode**, through the midst of **Huniberdale**; thence through the midst of **Wysstowe**, unto the stone before-specified.

ⁱ Ibid. part. 8. Cap. vii.

ᵏ Ibid. Cap. ix.

But the Abbot of **Ramsey** had it not totally to himself (as it seems:) for, after much dispute betwixt *Robert* Abbot of **Thorney**, and *Hugh* Abbot of **Ramsey** (about the beginning of *H.* 3. Reign) touching the Common of pasture in this Fen, unto which the Monkes of **Thorney** then laid claim [the Abbot of **Ramsey** withstanding the same, and alleging, that it was an unjust challenge, forasmuch as he the said Abbot of **Ramesey**, had no Common in the said Abbot of **Thorney's** fen of **Jakele**, nor that he the said Abbot of **Thorney**, did any service to the Abby of **Ramsey** in consideration whereof he ought to have such Common] they came to this Agreement, by a Fine ˡ levied in the Kings Court at **Westminster**, *mense Pasch.* 8 *H.* 3. *viz.* that the whole part of the said Fen, from

ˡ Ibid. Cap. xii.

from **Kingesdelfe**, through new **Hyndelake**, unto the new **Falt** upon **Witlesmare**, being the part towards **Ramsey**, ſhould remain to the ſaid Abbot of **Ramesey** and his ſucceſſors, peaceably for ever, without any claim, that the ſaid Abbot of **Thorney** or his ſucceſſors ſhould make therein: And that the other part thereof, from the ſaid **Kingsdelf**, through new **Hyndelake**, unto the new **Falt** upon **Witlesmare**, being the part towards **Yakele** and **Farreſheved**, the ſaid Abbot of **Thorney** and his ſucceſſors ſhould enjoy, for ever, without any claim of Common therein by the ſaid Abbot of **Ramsey** or his ſucceſſors. And it was agreed, that the Ditch to be made for diſtinguiſhing and ſevering theſe Commons, ſhould be *xvi.* foot in bredth; whereof the one half, all along, to be taken out of the Abbot of **Thorney's** part, and the other out of the Abbot of **Ramsey's** ſide: and to be made directly, by a ſtraight line from **Kingesdelfe**, before-mentioned, unto the ſaid new **Falt** upon **Witlesmare**: And laſtly, that it being the boundary betwixt both their Fens, it ſhould be common to each of them and their ſucceſſors to fiſh therein, and carry any thing through it for their eaſe and Commodity.

lib. Cap. 10. Which Ditch was ſet [m] forth by twelve Knights, upon the King's ſpeciall Precept to that purpoſe; and, by conſent of all parties, made and perfected accordingly.

But after this, there grew farther diſpute betwixt the Biſhop of **Ely**, and Abbot of **Ramsey**, concerning the limits of their Fen-land; which were not ſetled, till about the year *MCCLvi.* (40 *H.* 3.) Howbeit, then did *W.* de ..... Biſhop of **Ely**, and *Hugh* Abbot of **Ramsey** come to a full concluſion therein; the relation thereof, foraſmuch as it ſo amply manifeſteth how diſmall a tract all thoſe parts had long before been, and unto what an height of improvement they were at that time grown; I ſhall here, from an eminent Hiſtorian [n] of that time, exhibit.

Annal. Math. Pariſ. 929. n. 30.

A. MCCLvi. (40. *H.* 3.) *facta eſt pax inter Epiſcopum* Elienſem W. *&* Hugonem *Abbatem* Rameſiæ, *ſuper lite motâ, de terminis in Mariſco ſtatuendis: De quo mariſco hoc mirum noſtris accidit temporibus; ut, ubi quondam, annis antiquiſſimis, quorum non extat memoria, loca invia ac inacceſſibilia, ubi nullus hominum vel pecudum greſſus fuit, vel habitatio; ſed carecta, luta profunda, & arundineta paluſtria, ſolis avibus (nedum dicam Dæmonibus inhabitata, prout legitur in vitâ beati* Guthlaci; *qui ibidem, utpote in loco horroris & vaſtæ ſolitudinis cœpit habitare) nunc in prata delectabilia, ac etiam terram arabilem convertuntur: & quæ ibidem pars ſegetem vel fœna non producit, gladiolum, ceſpites, & alia ignis pabula, cohabitantibus utilia, germinando abundanter ſubminiſtrat: unde lis & gravis contentio de terminis locorum talium & terrarum, inter eos, qui ab initio mariſcum inhabitabant exorta, lites & prælia ſuſcitabat* &c.

The Iſle of Ely.

In the year MCCLvi. (40. *H.* 3.) William *Biſhop of* **Ely**, *and* Hugh *Abbot of* **Ramsey** *came to an Agreement upon a controverſy betwixt them, touching the bounds of their Fens; whereof in theſe our times a wonder hapned: for whereas, as antiently, time out of mind, they were neither acceſſible for man or beaſt, affording only deep mud, with ſedge and Reeds; and poſſeſt by birds (yea much more by Devils, as appeareth in the life of S.* Guthlac, *who finding it a place of horror and great ſolitude began to inhabit there) is now changed into delightfull meadows and arable ground: and what thereof doth not produce Corn or Hay, doth abundantly bring forth ſedge, turf, and other fuell very uſefull to the borderers: which occaſioned much diſpute and contention betwixt them that were the moſt antient Inhabitants in thoſe parts, nay quarrells and fighting, touching the bounds of ſuch fruitfull lands. For ſo it hapned, that on the Feaſt day of S.* Peter ad vincula, *two of the Canons of the Priory of the holy* Trinity *in* **London**, *diſputing thereof, grew to ſuch high words, as contracted an implacable hatred betwixt them; ſo that ſtudying a revenge, the one took an opportunity to murther the other.*

In what manner and by whom theſe Fens were then ſo drayned, I find not; but it could not be without the cleering of thoſe antient out-falls of the ſeveral Rivers,

The Isle of Ely.

Rivers, which both before and since did overflow the whole Levell: leaving, therefore, the discovery thereof, to a farther scrutiny: I shall briefly point at such Commissions, as I have found, tending to the improvement of them, by Banks and Sewers, after that time; which, being not many, are all involved with those of other places in this County, as by these instances will appear; *viz.*

o Pat. 51 E. 3. p. 1. m. 41. in dorso. In 51 *E.* 3. to o *John Cavendish*, *will. de Thorpe*, *John Colevill*, and others, for those in **Ely**, **Dounham**, **Litelport**, **Hadenham**, **Sutton**, **Chateryz**, **Dudington**, **March**, **Marchford**, **Wytleseye**, **Elme**, **Welle**, **Wysbeche**, **Leverington**, **Neuton**, and **Tyd S. Giles**, and elsewhere within the Isle of **Ely**.

p Pat. 1. R. 2. p. 1. m. 25. in dorso. In 1 *R.* 2. to p *John Cavendishe*, *Will. de Thorpe*, *John Colvill*, *Martin Everard*, *John Holt*, *will. de Petteworth*, *Thomas Pynchebek*, and *Thomas de Welle*.

q Pat. 3 R. 2. p. 1. m. 35. in dorso. In 3 *R.* 2. q to Sir *Roger de Skales*, Sir *Philip le Despenser* Knights, *John de Cavendish*, *Rob. Bealknap*, and others, for all the Banks, Sewers *&c.* in the before-specified places; by which Commission they were appointed to make agistments for the safeguard of those parts, by the number of Acres or Perches, to be new surveyed as often as need should require; and to constitute trusty and diligent Dike-Reeves for the same purpose.

r Pat. 6 R. 2. p. 1. m. 9. in dorso. The like Commission r in 6 *R.* 2. had the same Sir *Roger*, with Sir *Rob. Bealknap* Knight, Sir *Philip Spenser*, Sir *Will. Skipwith*, and others. So also in 15 *R.* 2. had

s Par. 15 R. 2. p. 1. m. 37. in dorso. s *Will. Thirnyng*, *Thomas Pynchebek*, Sir *John Colvylle*, Sir *Reginald Hakebeche*, Sir *John de Wilton*, and Sir *Will. de Flete* Knights, *John de Markham*, *Will. Gascoigne*, and *Thomas de Welle*: with directions to proceed therein according to the Law and Customes of this Realm.

And in 8 *H.* 5. *Thomas de Skeltone*, *John Colevile*, *John de Rochefort*, *Laurence Everard*, *Rob. Tirwhit*, *John Bernard*, *Nich. Morys*, *will. Foulbourne*, and *Robert Brydde* had

t Par. 8 H. 5. p. 1. m. 32. in dorso. t the like; as also to view the several Causeys, betwixt **Ely** and **Saham**, **Ely** and **Litleport**, and **Hadenham** and **Wynelyngham**, then broken and decayed; and to take order for their repair; doing all things therein according to the Law and Custome of this Realm.

CHAP. L.

WEst and by North **Ely**, lyeth **Thorney**, an Island also containing about three hundred Acres of ground, and compassed with spacious Fens: wherein, as in **Ely**, **Crouland**, and several other places (for the respects instanced in the .... Chap.) *Adelwold* Bishop of **Winchester**, in the year of Christ *DCCCC Lxxii.* (K. *Edgar* then Reigning) founded a a goodly Monastery for *Benedictine* Monkes.

a Ex Regist. de Thorney, penès Comitem *Westmerl.* f. 11.

What these Fens were, for depth and bredth, during the space of divers ages, before the late general drayning, it is no hard matter to guess; the Moore, totally contracted by a long stagnation of the fresh waters, sufficiently demonstrating the same; which is found, for the most part, ten foot deep throughout all this side of the Country: but more antiently it was otherwise, as *will.* of **Malmesbury**, an authentique Historian (living about five hundred years since) affirmeth: Who, having first spoken of the Isle of **Ely**, and then coming to this of **Thorney**, saith b thus; *Thorneia, ulterior scripto, & contractior spacio; sed Prior laudum titulo, Paradysi simulachrum, quòd amœnitate jam Cœlos ipsos imaginetur; in ipsis paludibus, arborum ferax, quæ enodi proceritate luctantur ad sydera, æquorea planities herbarum viridantibus comis oculos advocat* &c. id est **Thorney**, *though last mentioned, and less in Circuit, hath the Priority in fame; represented a very Paradise; for that in pleasure and delight it resembleth Heaven it self; the very Marshes abounding with Trees, whose length without Knots do emulate the Starrs. The plain there is as Level as the Sea, which with the flourishing of the grass allureth the Eye, and so smooth that there is nothing to hinder him that runs through it. Neither is there any waste place in it: for in some parts thereof there are Appletrees, in other Vines,*

b Lib. 4. de gestis Pontiff. f. 167. b.

Vines, which either ſpread upon the ground, or are raiſed up with poles. A mutual ſtrife there is betwixt Nature and Art, ſo that what the one produceth not, the other ſupplies. What ſhall I ſay of the Beautifull Buildings, which tis ſo wonderfull to ſee the ground amidſt thoſe Fens to bear?

From which teſtimony, no leſſe can be inferred; but that, then, this skirt of the Level was not at all drowned: and therefore, that the out-falls to the Sea, were at that time cleer and open; which argueth a greater care in the people inhabiting this flat Country, in thoſe days, than hath been for ſeveral ages ſince. Nor were the parts towards **Peterborough** then leſſe free from that annoyance, as may ſeem from what I have received from credible teſtimony, *viz.* that upon the cutting of certain Moats by *Francis Underwood* Eſquire, at **Wittleſey**, where he hath made a pleaſant and commodious plantation, within leſſe than *xx* years laſt paſt, there was found, at ſeven foot deep (through abſolute Moor) firm ground, and ſwathes of mowed graſſe, lying perfect and not conſumed: which cleerly manifeſteth, that, through ſome exceſſe of rain, falling in the Summer time, there hapned ſuch a floud of the freſh waters, as then meeting with an obſtruction at the out-fall, in regard of the ſilt there contracted by a long ſeaſon of dry weather, it did ſo hinder their uſual current to the Sea, that, being forced back, they not only overflowed the whole Levell, but have ever ſince, till the late undertaking (whereof I ſhall ſpeak anon) kept it, for the moſt part under water.

But I dare not adventure to ſay, that this was the only cauſe thereof; there being ſomething elſe, which (no doubt) might be concomitant; *viz.* the uſual flowing of the tides, much higher upon the coaſts towards **Lenne**, than formerly: for, that they long ſince did ſo, is eaſily demonſtrable; there having been, of late years found, at the ſetting down of a new Sluſe, a little beneath *Magdalen fall* (which is about half a mile from *Magdalen* bridge) on **Marſh-land** ſide, about *xvi* foot deep in the earth, a large flat ſtone, of about eight foot in length, and a Cart wheel neer unto it, which were taken up by certain workmen, imployed be one Mr. *Emerſon*, in that buſineſſe. And at **Wigenhall S. *Maries*** (which is not far thence) at a place called **Mathden**, there are ſtill to be ſeen ſome remainers of a Church, as alſo bones that appear at a low ebbe upon the River ſide, about 8 foot below the preſent ſuperficies of the earth. The like is alſo obſervable at **Wligenhall S. *Germans***, the floor of the Church there, being at leaſt ſeven foot lower than the high water-mark of the **Ouſe**; which River running by the Church-yard ſide, is kept off by a ſtrong and large Bank from drowning the Country. Nor is it any thing elſe, but the ſame riſing of the uſual tides, to a greater height than formerly, which hath ſo widened the Chanel of this great ſtream at **Lenne**, that the Inhabitants have been conſtrained to remove one of their Churches to a farther diſtance from it, as is yet to be ſeen in that part thereof, now called **old Lenne**; where the bones of the dead, which were buried in that Church-yard, are now dayly waſht at every high tide, by reaſon that part of the ſame Church-yard is conſumed away with the violence of that current.

As for the Trees, which he ſo magnifieth for their length without knots, I believe they were Firr, no other timber affording ſuch ſtraightneſſe and height; of which kind there have been many digg'd up, of late years, in thoſe parts. But when it was, that this obſtruction (whereof I have thus taken notice) hapned, I could never yet diſcover; nor the exact time, that the courſe of the Sea did thus alter: I ſhall therfore, for want of better light therein, deſcend to the beginning of *K. Edw.* the firſt's time, and obſerve from our publick [c] Records, the extent of the Fens, belonging to divers Towns in this County, wherein the Inhabitants had Common; which were, as followeth; *viz.* of **Soham** ten miles, and two in bredth; *viz.* from **Ayotnemere** to **Alwoldingewere**: **Iſelham**, ſix miles in length, and in bredth one, *viz.* from **Wildehale** fen, to the Fens of **Soham** and **Ely**. Of **Wykes** two miles in length, and one in bredth, *viz.* from

[c] Ex Rot. Hundred. in Com. Cantabr. in arc. Lond.

Alwoldingwere to Strem-lake; besides a Fen in another place, of one mile in length, and in bredth half a mile, *scil.* from Huppewere to the Town of Wykes. Of Foxham a Marsh called West fen, containing six furlongs in length, and as much in bredth, extending from Nesham to Hopperislane: with another Marsh, called Nox-fen, in length two furlongs, and bredth one, *viz.* from the house of *Walter fitz Robert* to the Messuage of *Maud de Somere*. Of Sneilwelle four furlongs in length, and two in bredth, *viz.* from the Fen of Chippeham to Holme meine; besides the Marsh of West fen, containing half a mile in length, and one furlong in bredth, *viz.* from Pyeruspend to Calvenebrig. Of Landwaye half a mile in length, *viz.* from Brounisham to Illingworthe.

Of Boxewelle six miles in length, and three in bredth, *viz.* from Rechlode, to Nesham: besides part of Est fen, containing four furlongs in length, and two in bredth, *viz.* from Nelmeine unto Boxewelle field. Of Chippeham six furlongs in length, and three and an half in bredth, *viz.* from the said Town of Chippeham to Sneilwelle fen.

Of Swafham Priors, in length from the Town it self, unto the River of Grante, containing three miles; and in bredth from the Lode of Reche, to the Lode of Swafham *Bolebek*, containing a mile and half: The bounds of the Heath there extending from the Crest of the great Bank, unto Tweynholwes, in length one mile; and in another part of that Town field, to Smathowe, being as far.

Of Bodekesham, in the Fen of Stowbrigge, unto Swafham *Bolebek* Lode, two miles in length, and as much in bredth. Of Wilburham *parva*, from the Town it self to the upland of Stow ..... and in another place to the River, which extends it self from Ualke milne, to the Mill at Fosse. And of Wilburham *magna*, from Lidene unto Wateholme.

Thus much for the extent of the Fens belonging to the before-specified Townships.

In 12 *E.* 1. the Causey betwixt Saham and Stuntney, with the little Bridges belonging thereto, was in great decay; the King therefore assigned [d] *Thomas de Weyland* and *Richard de Holebrok*, to enquire, by the Oaths of honest men of the Country, who ought to repair the same. [d] Par. 12 E. 1. m. 18. in dorso.

After this there were some Commissions for the view and repair of the Banks, Ditches, Sewers, within this County in general; and some wherein certain of the adjacent Counties were joyned, *viz.* in 31 *E.* 1. to [e] *James Beauvoys*, *Robert Hereward*, *William de Estdene*, and *Hugh* Vicar of the Church of Elme, for those in this County alone. [e] Par. 31 E. 1. m. 43. in dorso.

In 2 *E.* 2. to [f] *Ranulph de Friskeneye*, *Geffrey de Coleville*, *William de Spanneby*, and *Roger de Cubeldyk*, for those throughout the whole County of Lincolne and this Shire. [f] Par. 2 E. 2. m. 11. in dorso.

In 4 *E.* 2. to [g] *William de Ormesby*, *William de Estdene*, and *Henry de Walpole*, for those in this County only. [g] Par. 4. E. 2. m. 18. in dorso.

In 10 *E.* 2. to [h] *Geffrey de Coleville*, and *Roger de Seiton*, for the same. [h] Par. 10 E. 2. p. 1. m. 11. in dorso.

In 12 *E.* 2. to [i] *Robert de Maddyngle*, *John de Fitton*, *William de Rungeton*, *John de Hotoft*, *Laurence de Holbeche*, and *John de Cantebrigg*, for those in this County; as also in Norfolk, Lincolne, and Northampton shires, and the Confines thereof; with power to constitute trusty *Dykereeves* for the safeguard of the said Banks, Ditches, and Sewers throughout all those parts. [i] Par. 12 E. 2. p. 2. m. 21. in dorso.

In 15 *E.* 2. to [k] *Michael de Meldon*, and *Roger de Beler*, for the same Counties. [k] Par. 15 E. 2. p. 1. m. 14. in dorso.

And in 18 *E.* 2. to [l] *William la Zouche*, *John de Cantebrig*, *Simon de Brim*, and *John de Hinton*, for those in this County alone. [l] Par. 18 E. 2. p. 1. m. 10. in dorso.

Upon a Pleading in 40 *E.* 3. it was found [m] by the Jurors, that the Prior of Ely did obstruct the course of the water at Wilburgham *magna*, in a certain place called Watholm dam, so that it could not have it's current as it usually had; insomuch as the Commons belonging to the Town of Fulbourne were overflowed, to the damage of the whole Country. And in 12 *H.* 4. the Town of Harlton being questioned [n] for diverting the current of the water, be- [m] Plac. coram Rege apud Westm. term. Hill. 40 E. 3. Rot. 26. Cantab. [n] Plac. coram Rege term. Mich. 12 H. 4. Rot. 18. Cantab.

betwixt **Harlton** and **Haselingfeld**, to the damage of the whole Country, could not deny the charge; and therefore was amerc'd; *Raphe Bateman* being then Lord of that Mannour.

In 14 *H.* 6. *William Godrede*, *Thomas Fulthorpe*, Sir *John Colvyle*, Sir *Henry Rocheforth*, and Sir *Robert Hakebeche* Kts. *William Yelverton*, *Thomas Dereham*, *John Jakys*, *Thomas Reynold*, and *John Tylney* were constituted ° Commissioners for the view and repair of the Banks, Sewers, and Ditches, throughout this whole County, only; and to make Statutes and Ordinances for the same, according to the Laws and Customes of **Runney** marsh.

° Pat. 14 H. 6. p. 1. m. 18. in dorso.

The Description of Wittlesey mere.

On the West side of this County, and at the outmost skirt thereof, lyeth **Wittlesey mere**, the greatest Lake in all these parts; and consequently the more worthy of note: I shall therefore cloze up what I have farther to say of this Shire, with that particular description of it, which I find in the Register ? of **Peterborough**.

? penès *Will. Thorpe* arm. f. 77. a.

In Septentrionali parte stagni &c. On the North side of this Lake, there is a water called **Merelade**, issuing out of the River of **Neene**, where the Northern bounds thereof are. This, with the Fens thereto belonging, hath at the end thereof a certain Fishing called **Eddermuthe**. Upon the East part thereof are two other Meres, called **Wellepole** and **Trendelmere**; betwixt which is a narrow stream, containing two furlongs in length, called **Trendelmere beche**, having in it two Fishings. And there is likewise another narrow water there, of one mile long, which is called **Falet**, having in it one Fishing.

In that part thereof betwixt **Wytlesmere** and **Kynnesdelf**, where the Eastern boundary thereof is, the bredth of the Meer containeth three miles, having in it a narrow stream, called **Dereselue**; and a Wood named **Rageholt**. On the South part thereof also, there is another slender stream, of three furlongs in length, called **Selfremerebeche**, having in it two Fishings; at the end whereof is a Lake, named **Selfremere**; having on the South side thereof a narrow water, of half a mile long, called **Abbemere lade**; at the head whereof is likewise another Fishing. And about the middle thereof, there is a place in the Fen, called **Alwynesbarwe**; and there is the Southern boundary thereof. Moreover, on the West side of this Lake; there is also a narrow stream, containing two furlongs in length, named **Trendemere beche**, which hath one Fishing in it; at the end whereof, is the Meer, called **West Trendemere**: On that side there are also these waters, *viz.* **Dzelgmere**, **Wellepole**, **Withibuscemere**, **Langemere**, **Kinninges**, and **Muskelemere**.

There is likewise, on that side, another narrow water, of one mile in length, extending to **Oppebeche**, and hath in it one Fishing: at the end of which water, is the Western limits of the Fens, and all the waters pertaining to **Wittlesmere**.

About two miles distant from the North East side of the before-specified Meer, there is a memorable Chanel cut through the body of the Fen, extending it self from neer **Ramsey**, to **Peterborough**, and is called **King's delph**. The common tradition is, that King *Canutus*, or his Queen, being in some perill, in their passage from **Ramsey** to **Peterborough**, by reason of the boysterousnesse of the Waves upon **Wittlesey mere**, caused this Ditch to be first made: and therewith do some ? of our Historians agree; who say thus; *Anno Domini Mxxxiiii.* Cnuto, *Rex potentissimus, viam in mariſco, inter* **Ramsey** *&* Burgum, *quod* **King's delph** *dicitur, ut periculum magnorum stagnorum vitaretur, eruderavit.* But how to reconcile this testimony to what I meet with above threescore years before, I well know not: which is, that King *Edgar* confirming to the Monks of **Peterborough**, before-mentioned, the fourth part of **Wittlesmere**; with all the waters, Fishings, and Fens thereto belonging, bounds ? it to these limits, *viz.* *quorum Septentrionalis est ubi primùm intrat* **Mere lode** *de ampne* **Nen**, *orientaliter ad* **King's delph**; *Australiter ad* **Adewinesbarue** &c. *id est, whereof the North side is, where* **Mere lode** *first en-*

? Annales Math. Westm.

? Ex Regist. de Peterborough penès Dec. & Cap. ejusdem Eccles. fix.

ters thereinto from the River Nen, *Eaſtward to* King's Delph; *and Southward to* Aldewynesbarue, &c.

But the largeſt and moſt notable, is that fair Chanel made from Stangrounde ſteake, below Peterborough, to Guyhirne neer Wiſlebeche, of xl foot in bredth, by [f] *John Moreton* Biſhop of Ely, in King *Henry* the ſeventh's days, and ſtill called Morton's Leame, or the New Leame; a work certainly of ſingular conſequence, not only for the quicker evacuation of the overflowings of Nene, but for conveniency of Carriage from Peterborough to Wiſlebeche; which will remain a laſting memorial to that worthy Biſhop.

[f] Godwin. de præſul. 329. Et Camd. Brit. 405.

CHAP.

CHAP. LI.

SOuth-west from **Cambridgshire**, lieth the County of **Huntendon**, into which a skirt likewise of this great Level extendeth: at the entrance whereof I meet first with **Ramsey**, compassed with Fens on all parts, excepting towards the South-west, and containing about ..... Acres: wherein (for the like respect, as in **Ely**, **Crouland**, and **Thorney**, by others) *Ailwin*, a neer Kinsman to King *Edgar* (and who is stiled by our Historians, *totius Angliæ Aldermannus, id est, Chief Justice* of **England**) did found [a] an eminent Monastery for Monkes of S. *Benedict*'s Rule, almost an hundred years before the Norman Conquest.

[a] Ex Regist. de Ramsey, in Secc. penes Remem. Reg. f. 218. a.

Touching the situation of this Isle (for so it was antiently called) let us hear what the Register of that Abby saith; *Quum igitur in orientali angulo territorii Huntedonensis &c. Forasmuch, therefore, as this place, situate in the Eastern corner of* **Huntendonshire**, *where the Chanel of the River* **Ouse** *restraineth the bounds of the Fens, is, for its bigness, the fairest of the fenny Islands; and which many have endeavoured to extoll, so that it needeth not our commendation; nevertheless we will not wholy leave it untoucht. On the West side (for on all other there is no access to it, by reason of the Fens) it is severed from the firm land, with certain deep and bozzy Quagmires, in bredth about two Bow shot: insomuch, as in times past, the access unto it was by navigable Vessells, brought thither through a slow stream, with gentle windes: but now, by much labour and no small cost, there is, with Wood, Stones, and Gravel, a firm Causey made, so that people may come to it on foot. In length this Island doth extend, almost, unto two miles; but in bredth not so much, being environed with Alders, Reedes, green Canes, and Bulrushes, which do beautify it exceedingly; and before it became inhabited, was full of all sorts of trees (especially wild Ashes) the length and bigness whereof, may be seen by the beams and rafters on the roof of the Church. But now, through tract of time, the Woods, for the most part gone, the fertility of the turf is such, as that the land, converted to tillage, beareth Corn plentifully: nor is it less profitable otherwise, being full of fair Gardens, fat Pastures, shady Groves, and rich Meadows; which, in the Spring time, make a most beautifull shew. Moreover, on the borders of it, there are several Meeres full of Eeles, as also spacious Fens and Pooles, abounding with divers sorts of Fish and Waterfoul; whereof one, called* **Ramsey meere**, *from the name of the Isle, much excelleth the other adjacent waters in beauty and profit; which, lying on the most large and woody side of it, and pleasantly beating upon that sandy shore thereof, called* **Mereham**, *maketh a delightfull object to the beholders: in the deep and great gulfs of which Meere, there are frequently taken, by several sorts of Netts; as also with baited Hookes, and other fishing Instruments, Pikes of an extraordinary bigness, called Hakedes by the County people: And though both Fishers and Fowlers cease neither day nor night to haunt it; yet is there alwayes of Fish and Foul no little store.*

What proportion the Fens, belonging to divers particular Towns in this County, antiently, were of, I shall, in the next place, from the testimony of Record, make manifest; by which they, who are well acquainted with those parts, may discern how much improvement hath been since made therein, through the industry of the Borderers; or whether all or any of

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them were by neglect expatiated to a more large extent.

b *Dom'sday Book. Hunt.*

Upon that memorable Survey, [b] made shortly after the Norman Conquest, it appeareth, that the Fens belonging to **Colne**, were then reputed to be one mile in length, and half a mile in bredth; and those in **Wardboys** just as much. But in 3 *Edw.* 1. there is a far more exact account [c] of them; it being then found by Inquisition, as followeth; *viz.* that the Fens pertaining to **Stangrund** and **Farescheved**, called **Farescheved ferri**, contained, then, in length, from **Farescheved bigge**, at the one end, unto the other, where **Ramsey** fen, and **Fairescheved** fen, did part, two miles: and in bredth, from the Bank called **King's delph**, unto **Wythelsmare**, one mile. In which Fen there was at that time a certain Meadow, called **Kingesdelph-mede**, containing *Cx.* Acres; and another, called **Wyleby**, of *x.* Acres; the same Meadows then belonging to the Inhabitants of **Stangrund** and **Farescheved**. Moreover, there was then a certain division betwixt the Towns of **Stangrounde** and **Flectone**, beginning at **Brod he**, neer to the **Mayden-cros**, and extending it self by the antient lode to **Lanehythe**; and from thence directly to **Blancheferye**; and thence to **Stakengeshirste** is a certain Common Pasture which belong'd to the Towns of **Stangrund** and **Flectone**.

c Ex Rot. de Inquis. per Hundreda, in arce *Lond.*

Likewise, that in the Hundred of **Normancros**, there was a certain Fen, called **Kyngesdelf**; beginning at the end of **Brod hee**, *scil.* at the end of **Kyngesdelf**; and extending it self, circularly, to **Wittlesleye** Town's end, for two miles: and from **Wytlesheye**, by the **hold Old Ee**, to **Pokeslode**, for the space also of two miles; and from thence, by **Hold Old Eee** to **West fen**, for three miles; thence to **Wylemuthe**, for two miles; thence to **Beynwic**, for three miles; thence to **Synmare** for two miles; thence to **Kyngges delfe** end, Southwards, for one mile; and thence to the utmost point of **Brod Ee**, where **Kynge's delfe** endeth, for five miles: which whole Circuit containeth *xx.* miles, and belongeth to the Abbies of **Ramsey** and **Thorney**, and Priory of **Ely**; for which the Abbot of **Ramsey** hath the Charter of S. *Edward*, from **Gangestede**, Eastwards, to **Hyndelake** in the West; and so at **Wendelmere** and **Cayeresholt**, with the confirmation of several Kings since that time.

The Fen of **Glactone** extends it self from **Denton** lade, to **Hubbemere**, containing in length a mile: but it beginneth at the Town of **Holme**, and continueth to **Saldermere**, which is, in length three miles.

The Fen belonging to the Town of **Conyngton**, beginneth at **Conyngton mere**, and reacheth to the **Redipole**, and thence to **Scelremore**, containing in length from **Conington mere** to **Selremere**, two miles. From **Selremere** it goeth to **Berchemere**; and thence, by **Pokeslade**, for three furlongs, unto **Monks lade**; and so by the said lode, to the new lode at **Sautre**, for a mile and an half and two furlongs, which is betwixt **Sautre** fen and **Conyngton**: and so it holds on, by the new lode, unto the Bank of the **Reese**: and from the third Hassoke, unto the said Bank, it containeth in length one mile directly; and from the said Bank it goeth on crookedly unto the North side of **Conyngton** mere, being in length from that Bank unto the said Northern side, one mile and an half: within which Circuit **Conington** fen is included. But the Abbot of **Saltrey** ought of right to make two Bridges in the said Fen, beyond **Monks lade**; over which the men of **Conyngton** are to drive their Cattell to Pasture beyond that lade.

The Fen of **Dentone** containeth in length one mile, and extends it self to **Wittlesmare** one way, and another way to **Dentone** field; being four Acres in bredth: But **Glattone** and **Holme** have by force appropriated to themselves, a half furlong and more of the said Fen, in bredth, excepting one Bank, and in length one mile: and did there dig turves by force and carried them away: nor could the men of **Denton** dig turves with them; but they had pasturage there for their Cattell. Moreover the Earl of **Cornwall** did appropriate to himself the **Flete**, and ditch't it in, which place contained three Acres; and had been Common to **Dentone**, **Glattone**, and **Holme**.

The

The Fen of **Waltone**, beginning at **Michelholme hale**, extendeth it self thence, for two furlongs, unto **Stakelode**; and thence, for one furlong, to the bar of **Bollokes fen**; and thence, for three furlongs to **Crosslode**; and thence for two miles to **Hokeslode**; thence for three furlongs to **Bychmere**; thence for four furlongs to **Hubbemere lode**; thence for one furlong to **Hubbemere cote**; thence, for two miles unto **Raneleshok**; and thence, for half a mile, unto **Michelholm hale.**

To the Town and Abby of **Sautre** belongeth a certain fen; which beginneth at the one end at **Saneshyl**, and the head of **Monks banke**; and extends it self in length neer to **Monks meadow**, crookedly, for one mile; and so goeth on by the stable; and thence directly to the bar of **Bollokes fen**; and thence directly to the head of **New lade** for half a mile; and from thence to **Esterne dyke** for one mile; and from **Esterne dyke** at the head of the Bank of **Staneshille**, for four furlongs: and thus the Fen of **Sautre** is perfectly bounded: And beyond **Monkeslade**, by the whole fen of **Waltone**, and **Conyton**, to **Wytlesmere** bank, and **Hubbemere** bank, they are to Common with their Cattell.

The Common of Pasture in the Fen belonging to the two Towns of **Wardeboys** and **Caldecote**, is in length two miles, and in bredth two and a half.

This County of **Huntendon** being then a Forest, the Regardors did, in 34 *E.* 1. by virtue of the King's Precept, make this following Presentment [d] at the new *Temple* in **London**; *viz.* that the Tenants of the Abbot of **Ramsey** in the Town of **Ramsey**; the Tenants of the Abbot of **Thorney** in **Wytlesheye**, and the Tenants of the Prior of **Ely** in **Wytlysheye**, had wasted all the Fen of **Ryngesdelfe**, of the Alders, Hassocks, and Rushes, estimated at a thousand Acres, so that the King's Deer could not have harbour there as they had before that perambulation.

Likewise, that the Towns of **Stangrund** and **Farsheved** had wasted the fen of **Farsheved** of the Alders and Rushes, estimated at an hundred Acres.

Also, that [e] the Abbot of **Thorney** had made a Purpresture in the said King's Forest, within **Farsheved fen**, and inclosed the same with a double Ditch on the side towards **Farsheved**; which contained in length two miles by estimation, and two furlongs in bredth. And likewise that the said Abbot had raised a new Bank, without the Town of **Jakele**, containing one mile in length, against the assize of the Forest. [e] Ib. f. 60. a.

And that [f] *John le Wode* of **Jakele** came with the men of **Wytlysheye**, into the Fen of **Ryngesdelfe**, and set fire therein, which burnt in length and bredth about four miles, by estimation; which caused great loss to the King in his Harts, Hinds, and Goats. And likewise, that the men of **Benewyk** had destroyed a certain place in **Ryngesdelf**, of the Alders and Rushes, called **Hertyngges**, containing a mile in length and bredth. [f] Ib. f. 60. b.

And they likewise then presented, that the Banleu of **Ramsey** began at **Humberdale**, and so went on to **Wystowe lowe**, by the middle of the Town of **Wystowe**; and so to **Raneleslone**; and thence to **Raneleshoge**; thence to **Obmere-hote**; thence to **Scaldemere**; thence to **Ayrschebeche**; thence to the **Newe lode**, which leadeth betwixt **Middilmore** and **Ryngesdelfe**; thence to **Beaurepeyre**; thence to **Tynmerekote**; thence to **Pollyngscote**; thence to **Caldemowehache**; thence to **Goldepyttelade**; and thence to **Homberdale.**

The division [g] betwixt this Forest and the Bishop of **Ely** his free Chase of **Somersham**, began at the great River; *scil.* at the **three Willowes**; and thence extended to **Fentone lode**; thence to the new Bank; thence to **Fentone Crosse**; thence to the Mill at **Wardeboys**; thence to **Pydelemare**; thence to **Pydele dam**; thence to **Jny mede**; thence to **Kollangeleye**; thence to the **Hanger** of **Bluntesham**, and thence to the great River. [g] Ib. f. 61. a. Vide etiam Mund. de Brev. & Recordis temp. H. 4. *scil.* anno 3. in arce Lond. band. 1. n. 1.

[d] Ex Regist. le Ramsey, penes *Hen. Cromwell* arm. f. 59 b.

CHAP.

CHAP. LII.

THis, being the last of those six Counties into which the great Level (as hath been observed) extendeth, containeth no more than a narrow skirt of those fens; at the utmost point whereof, that sometime great and famous Abby of **Medeshamstede**, since called **Peterborough**, was (for the like advantages, already taken notice of in **Thorney**, and some others) first founded [a] by *Peada* King of the *Mercians*, about the year of Christ *DCL.* and soon after amply endowed by King *Wolpherus*, his Brother, and Successor in the government.

[a] Ex Regist. de Peterborough penès Dec. & Cap. ejusdem Eccl. a. 1640.

As to its situation, and the more exact description of the fens belonging thereto, I shall exhibit what *Robert de Swafham*, sometime a Monk of that House, saith, [b] **Burch** *verò in regione* Gyrviorum *est fundatus* &c. **Burch** *is founded in the Country of the* Gyrvii; *for there beginneth the Fen, on the East side thereof, which reacheth* Lx. *miles, or more, in length: which Fen is of no small benefit to the bordering people; for there they have wood and other fewell for the fire, and Hay for fodder; as also Reed for thatching of their Houses; with many other necessaries. There are likewise divers Rivers, Waters, and great Meeres for fishing, the Country abounding in such things: in the best part whereof* **Burch** *is seated; having on the one side of it the Fen and River; and on the other upland ground, with Woods, Meadows, and many Pastures; which do render it most beautifull on every part; having a meet access to it by land, except towards the East; on which side, without Boats there is no comming to it. On the South side of it runneth the River* **Nene** &c.

[b] In bibl. *Cotton.* sub effigie *Othonis* A. 16. f. 21. b.

And these are the limits of the possessions, Pooles, Fenns, Lakes, Fishings, Lands &c. *which King* Wulphere *gave thereto, that the Monks therein placed might freely serve God.* viz. *from* **Medeshamstede** *to* **Norburch**; *and thence to a place called* **Folies**; *thence directly through the main Fen to* **Elsendic**; *and from* **Elsendic** *to the place which they call* **Fethermute**: *thence directly to* **Cuggedic**, *ten miles distant; thence to* **Raggewilc**, *five miles, to the principal stream, which goeth to* **Elme** *and* **Wiselbeche**: *and thence, for the space of three miles, up the said principal stream, to* **Trochenholt**; *thence directly, through the vast Fen, to* **Derevorde**, *in length* xx. *miles: thence to* **Grecescros**; *thence, by a fair current, called* **Beadan Ea**, *six miles, to* **Paccelode**; *and so, through the midst of many Lakes and spacious Fens in* **Huntendonshire**; *together with the Pooles and Lakes, called* **Scelfremere**, *and* **Witlesmere**, *and several others to them belonging; as also with the Lands and Houses, which do ly on the South side of* **Scelfremere**, *and all within the Fen, to* **Medeshamstede**; *and thence to* **Welmesford**, *and so to* **Clive** *and* **Estune**; *and from* **Estune** *to* **Stanforde**; *and thence, as the River runneth, to* **Norburch** *before-specified.*

But touching the improvements made here by Banking and Drayning, I find little in particular, till of late time (whereof I shall speak anon) this being the utmost Corner (towards the high land) which the fresh waters (for want of a cleer and perfect evacuation) overflowed; the Banks and Sewers, conducing to the exsiccation thereof, having been cut from the River **Nene**, through **Cambridgshire**, towards their most antient and natural out-fall at **Wiselbeche**.

CHAP.

Obſervations upon the Statutes of Sewers.

CHAP. LIII.

Obſervations upon the Commiſſions and Statutes of Sewers.

HAving now done with thoſe particular endeavours of Banking and Drayning, within the precinct of the *Great Level*, in order to the bettering that ſurrounded part of the Country; I come laſtly to ſpeak of that eminent and ſignal undertaking; *viz.* the general winning thereof by Banks and Sewers; a work, certainly, of no leſs honour to the firſt Adventurers therein, than beneficial to the preſent and future Age. But, before I begin therewith, it will be proper (I conceive) by way of preparation thereto, to make ſome ſhort obſervation upon the antient Commiſſions and moſt notable Statutes of Sewers.

And firſt touching the *Commiſſions* (the antiquity and extent whereof do ſufficiently appear in the precedent diſcourſe) I ſhall briefly note; First, that the King, *ratione dignitatis ſuæ Regiæ, ad providendum ſalvationi Regni ſui circumquaq; fuit aſtrictus* &c. (for thoſe are the words therein) was by the prerogative of his Crown obliged to ſee and foreſee to the ſafety of this Realm. Secondly, that by virtue of them, the Commiſſioners might enforce the neglecters of their duty, by diſtreſs of their goods, and likewiſe fine and impriſon the diſſobeyers of their Orders, as appeareth by thoſe words viz. *ad diſtringendum, & per amerciamenta & alio modo, prout*, &c. All which was by the Authority of the *Common law, id eſt* the antient uſage of this Kingdome; as the learned Sergeant *Callice* well infers from the words *dignitatis ſuæ Regiæ*, all Prerogatives being without limitation of time.

See Serg. *Callice* his Reading upon the Stat. of 23 *H.* 8.

Now for the *Statutes*. The firſt of theſe was in *6 H. 6.* and this adds to the power of the ſaid Commiſſioners; for it gives them Authority to make Officers; to take Accounts of their Expenditors; to ſet Labourers on work; and to rate the wages of ſuch Labourers.

Then that of 8 *H. 6. Cap.* 3. which ſupplying the defect of the former, grants power to the ſaid Commiſſioners to ordain and execute the Statutes, Ordinances, and other things to be made according to the effect and purport of the ſaid Commiſſions.

Next that of 18 *H. 6. Cap.* 10. which continueth the power of that Statute of *6 H. 6.* for ten years longer, the time firſt limitted therein being then expired.

Then that of 23 *H. 6. Cap.* 9. prolonging that of 18 *H. 6.* to *xv.* years more.

Next that † of 12 *E. 4. Cap. 6.* which not only addeth the like number *xv.* years more thereto; but enlargeth it to the Marches of **Caleis, Guynes**, and **Hammes** (on the borders of **France** and **Flanders.**)

† Videſis Exempl. ejuſdem. Par. 14 E. 4. p. 1. m. 7.

Then that of 4 *H. 7. Cap.* 1. prolonging that of 12 *E.* 4. to *xxv.* years more.

Likewiſe that of *6 H.* 8. *Cap.* 10. ratifying the former Acts, and giving power to the Lord Chancellor of **England**, for the time being, to grant out Commiſſions of Sewers into all parts of this Realm.

Next that of 23 *H.* 8. *Cap.* 5. in the

Observations upon

Preamble whereof there are these words; *viz. the King nothing erthely so highly weighing as advancing of the Commõ profit, wealth and Commodity of this Realm.* Whence (saith the before-specified learned Sergeant) it appeareth; that the making of this Law was of all other thought to be most necessary, and of greatest consequence, the King preferring the same before any earthly thing: and the King's care therein became his Royal person very worthily; because by this Statute safety was brought to the Realm, and wealth and profit to the people thereof.

In that Preamble 'tis likewise observable. First, that Marshes and low grounds had formerly been, by politick wisdome, won and made profitable for the good of the Common-wealth. Secondly, that if more speedy and further remedy were not had and provided, though divers provisions had been formerly made; yet none of them were sufficient remedy for reformation thereof. And thirdly, that power is given thereby to six Commissioners of Sewers, whereof three to be of the *Quorum*, to take any man's timber *&c.* to be used therein, and to set the price thereof; as also to sell any mans Lands, nay the King's also, or part thereof, in fee, or for what other term they pleased.

All which being confirmed by the King's Royal assent had thereunto, are not to be repealed but by Act of Parliament; and makes them therefore an absolute Court, to hear and determine all things concerning Sewers.

After this, about two years (*viz.* 25 *H.* 8. *Cap.* 10) there was another Statute, which extendeth this last Commission to the Town and Marches of **Calais**, and imposeth a penalty of five Marks upon every Commissioner who shall refuse to be sworn according to the Act of 23 *H.* 8.

Then that of 3 & 4 *E.* 6. *Cap.* 8. which, taking notice how beneficial the Statute of 23 *H.* 8. had been to this Realm, ordained; that it should continue, with these additions thereto, for ever; *viz.* that all Skots, Lots and summs of money, thenceforth to be rated and taxed upon any of the King's Lands, his Heirs or Successors, for any thing concerning the Articles of the said Commission of Sewers, should be gathered and levied by distress, or otherwise, in like manner and form, as should and might be done in the Lands of any other persons: And that no Commission of Sewers should thenceforth have continuance for above five years after the date thereof.

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Next that of 13 *Eliz. Cap.* 9. which authoriseth the Commissions of Sewers, thenceforth, to stand in force for the term of ten years next after their dates, unless they were repealed by reason of any Commission, or by *supersedeas*.

And lastly that of 3 *Jac. Cap.* 14. which comprehendeth the Walls, Ditches, Banks, Gutters, Sewers, Gates, Causeys, Bridges, Streams, and Water-courses having their passage into the River of **Thames**, and within two miles of the City of **London**, as subject to the Commissions and Statutes of Sewers, and to the penalties of the same.

To these, for removing of some scruples, touching the power of the Commissioners of Sewers, for erecting of new Sluses, and for making new Cuts and Drayns where none were before, I shall add the opinion of those two Chief Justices, *viz. Popham* and *Anderson* (men famous in their times for their learning) in both these Cases; and which is observed by the before-specified Serg. *Callice* in his said Reading upon the Stat. of 23 *H.* 8. As also of Sir *Henry Hobart* Knight Attorney general to King *James*.

In 43 & 44 *Eliz.* a great controversy did arise in the County of **Lincoln**, about the erecting of two new Gotes, at **Skirbeck** and **Langare**, for drayning the waters of South **Holland** and the Fenns, into **Boston** Haven; which work Sir *Edward Dimock* Knight, did by himself and his friends further what he could; but it was opposed by the Country of **Kesteven**; and the very exception taken thereto was, that the Commissioners of Sewers could not by the power of their Commission, make a Law for the erecting of these new Gotes where never any stood before: Whereupon the decision of this point coming, at length, before the then two

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two Justices, *viz. Popham* and *Anderson*, they delivered their opinions; *that the said new Gotes, if they were found to be good and profitable for the safety and advantage of the Country, they might be erected by the power of this Statute.*

The like controversie arose in 12° *Jacobi*, in the Counties of **Cambridge, Huntingdon** and **Northampton**, about the making of new Cuts and Drayns in the Isle of **Ely**, by the power of the Commissioners of Sewers; which being much opposed, the business came, in the end, to be heard before the King and the Council: Whereupon the said King, by the advice of his Council, upon mature deliberation, comparing the undue proceeding of those who had disturbed his Commissioners of Sewers in those Counties, with the antient Laws of this Realm; as also with the constant practice of antient and later times, and the opinions of the Lord chief Justice *Popham*, delivered in writing very exactly and fully upon the said Questions, touching the power and authority of the said Commissioners; it being objected, 1. that the Commissioners had no power to raise new Banks, Drayns or Sluses where there had been none before. 2. that they might not lay the Tax upon Hundreds, Towns, or the Inhabitants thereof in general; but upon the first Presentment or Judgement to charge every man in particular according to the quantity of his land. 3. that they had not power to commit to prison persons refractory to their Orders: and lastly, that actions of trespass, false imprisonment, and other processe at the Common Law, have been brought against some of their Officers, for executing their Decrees and Warrants: their Lordships finding in their Wisdomes, that it could neither stand with Law, nor common Reason, that in cases of such great consequence, the Law can be so void of providence, as to restrain the Commissioners of Sewers for making of new works to withstand the fury of the waters, aswell as to repair the old, where necessity doth require it for the safety of the Country, or to lay a charge upon the Towns or Hundreds in general that are interessed in the benefit or loss, without attending a particular Survey and admeasurement of Acres, when the service is to have speedy and suddain Execution; or that a Commission, that is of so high a Nature, and of so great use to the Common wealth and evident necessity; and of so antient jurisdiction, both before the Statute and since, should want means of coercion for obedience to their Orders and Decrees: whereas upon the performance of them, the preservation of many thousands of his Majesties Subjects lives, goods, and lands did depend: and it plainly appearing, that there would be a direct frustrating and overthrow of the authority of the said Commission, if the Commissioners, their Officers and Ministers should be subject to every sute at the pleasure of the Delinquent, in his Majesties Courts of the Common Law, and so to weary and discourage all men from doing their duties in that behalf: for the reasons aforesaid, and the supreme reason above all, *viz. the salvation of the King and people*; did order, *that the persons formerly committed by that Board, for their contempt concerning that cause, should stand committed, untill they did release or sufficiently discharge such actions, sutes and demands as they did bring at the Common Law against the said Commissioners of Sewers, or any their Officers* &c.

The opinion of Sir Henry Hobart *Knight, Attorney general to King* James, *touching the making of new Drayns; the Case of the new Drayns made in the Isle of* **Ely**, *and the Taxation set for the same, being thus.*

* Ex cod. MS. penès præt. D. S. John t. 191. b.

1 THat the grounds now sought, by these new Sewers to be won and drained, are such as naturally and antiently were dry grounds, and not continually overflown; so as they were truly land and not water, and are still to this day dry half the year, and sometimes in good years longer.

2. Nextly, that there have been alwayes, notorious and common Drayns, maintained at publick charge for the conveying away of the waters in times of downfall or other overflows.

3. Thirdly, that the said antient Drayns cannot now possibly (were they

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never ſo well maintained) drayn the Country, becauſe their conveyance (whilſt they were in uſe) was into the Sea running out at **Wisbeche**, from whence the Sea is now departed: ſo that there is no way now to carry theſe waters to the Sea, but by **Lynne** Haven, to which therefore theſe works are made to carry them.

¶ The caſe (I ſay) ſtanding thus in all theſe parts, I am of opinion; that the Law of Sewers, lately made for theſe new works, is warranted by the Commiſſion of Sewers; and that a Tax may be ſet, aſwell for the making and maintaining of it according to the meaning of the Statutes and Commiſſion, as it might have been for the old, if they had remained ſtill in uſe. And therefore I am of mind plainly, that though it may ſeem ſtill within the power of the Commiſſion, by the Letter of it, to maintain the old Sewers; yet the Commiſſioners cannot now enforce the maintenance of them, when they are no longer, indeed, Sewers, nor benefit nor damage can ariſe by them: for Sewers are made and maintained for the land, and not the land for the Sewers.

On the contrary, when they fail, reaſon teacheth and neceſſity enforceth, ſome other remedy be found in ſupply of it: And the words of the Commiſſion have it plainly, that gives power *in* one Clauſe *to make neceſſary and behooffull Laws, for the ſafeguard and preſervation of the lands lying to the premiſſes*; which premiſſes, being reſtrained as much as may be to the Sewers, yet the lands lying to them, muſt be underſtood the lands about them, or for which they were wont to ſerve: So that the ſafeguard and preſervation of the lands, is the principal end of the Commiſſion; which being not to be preſerved by the old Sewers, are by this Clauſe to be preſerved at large; that is, as beſt may be, and by the Judgment of the Commiſſioners ſhall be found neceſſary and behooffull; which words and meaning are ſatisfied in this caſe.

Henry Hubbert.

the ſtatutes of Sewers.

Nor do we want examples of greater antiquity for ſuch new Cuts and Drayns, the names of divers, which to this day continue, manifeſting the ſame; as 1. **New-ditch**, alias **Lents hirne**, in **Wiſebeche**. 2. **Newdike** in **Burial field** in **Welle**. 3. **Newdike** in **Witleſey**, a very fair Sewer; **Newdraine** (there alſo) *xx* foot wide. 4. **Newdraine**, from **Croyland** to **Spalding**. 5. **Newdike**, alias **Sandy dyke**, there alſo. 6. **Newdike** in **Neatmore**, in **Upwell**. 7. **New-leame** there, fifty foot wide. 8. and **New-leame** in **Chateriz** and **March**.

Nay, it is very evident, that even the great Rivers themſelves have, for the like reſpects, been diverted from their antient and natural Chanels: For,

Duſe.

1. The River of **Duſe** (its outfall by **Wisbeche** decaying) was not only cut ſtraight; but by a new River made from **Littleport Chaire** to **Rebbech**, was let fall into **Duſe** *parva* (or **Brandon** water) and thence by **Salters lode** to **Lynne** Haven; its former courſe from **Littleport** being by **Wellenhee** to **Welle**, and ſo to the North Seas at **Wisbeche**.

2. The Weſt-water (a part of **Duſe** *magna*) having its courſe from **Erith** bridge to **Chateriz** ferry, and thence to **Benwick**, and ſo to **March**, was, for the crookedneſſe of the way, conveyed by a new paſſage, called the **Leame** (through **Chateriz**, **Dodington**, and **March**) and thence by **Elme** Leame to **Wisbeche** (a courſe of *xvi* miles) and ſo continueth all this way.

Nene.

3. *Moreton*, the worthy Biſhop of **Ely**, in the time of K. *H.* 7. to avoid themany and crooked paſſages in the River of **Nene**, between **Peterburgh** and the Sea (by the way drowning many thouſands of Acres) out of the whole ground, made a new River, now called **Moxton's Leame** (or the **New Leame**) *xl* foot wide, and 4 foot or more deep (*viz.* from **Stangroundſteake** to **Guyhirne**) being a courſe of *xii* miles long at the leaſt; and continuing the ſame through **Wisbeche**, for the more ſpeedy delivery of the waters; attempted to cut through the Sea-dike to **Wisbeche** at **Bevys-Croſſe**; and

Obſervations upon the Statutes of Sewers.

and again at **Eaſtfields** end nigh the **Horſhooe** in **Leverington** (which Banks were in leſſe than *xxx* years before, ordained by Commiſſion to be maintained, *id eſt*, from the firſt ſlope of the Bank, fifty foot high) and ſo made a new outfall from **Wisbeche** to the 4 Gotes, and thence to the Sea.

4. A branch of **Nene** uſually paſſing from **Peterburgh** to **Crowland**, and ſo to **Spalding** (that outfall decaying) was turned back by **Dowesdale**, with the **South Ee** to **Wisbeche**, and ſo to the Sea.

5. A great part of **Ouſe** and **Nene** united, deſcending from **Benwick**, by **great-Croſſe**, to **Wisbeche**; but **Wisbeche** outfall decaying, they both fall by **March** to **Welle**, and ſo into **Ouſe** at **Salters lode**.

6. The waters of **Welle** were by a ſhorter cut, conveyed under **Broken-dyke**, by **Hichcock's dam**, to **Elme** Floudgates, the old way lying through **Enmeth**, by the **Wroe**.

7. The River of **Elme**, running by divers Crooks from **Elme** to **Wisbeche**, was cut ſtraight, and the water paſſed by a ſhorter courſe, as by the old Chanel on both ſides the new River, may yet be ſeen.

8. The River in **Wisbeche** a little above the great Bridge, within the memory of man, running crooked, was cut ſtraight, and ſo to this day continueth.

9. The River of **Clows-croſſe**, being crooked at either end, was in the upper end conveyed by **Willow-dike**, ſtraight to **Graynes Hill**; and in the lower end rectified by a New Cut, the old Chanel being forſaken.

Weland.

10. *Ingulphus* in his Hiſtory of **Croulande** maketh mention, how *Richard de Rullos* Chamberlain to King *William* the Conqueror, having marryed the Daughter of *Hugh de Evermue* (Lord of **Burne** and **Deping**) for the inlargment of his Town of **Deping** diverted the River of **Weland** -- *Et in pratis quæ erant nuper profundi lacus & paludes immeabiles, excluſo fluvio invenit campos uberimos, & terram deſiderabilem; & de puteis & uliginibus maledictis fecit hortum voluptatis ---- And in the Meadows, which before were deep Lakes and drowned Fenns, by excluding the River, he found them fruitfull fields, and as good ground as could be wiſhed: nay, of the very Pits and Bogs, he thereby made a Garden of pleaſure.*

Moreover, the ſame River of **Weland**, having antiently its courſe by **Spalding**, through the decay of the outfall there, a great part thereof ſometime fell through great **Poſſons**, and ſo out by **Quaplode**; but that outfall alſo decaying (as moſt outfalls over the Waſhes have, and ſtill will do) that way was ſtopped up, and the River driven to ſeek a courſe in a very faint manner by **South Ee** towards **Wisbeche**; where again through the defect of **Wisbeche** outfall, when it meeteth with the **Nene** at the **New Leames** end at **Guphirne**, they both turn back under **Walterſey** bank to **Hobbes**, and ſo to **Marche** ſtream, and there meeting with the great Branch of **Nene**, come to **Welle**, and ſo to **Salters lode**.

Which River alſo (as ſaith *Leland*) by a ſhorter way, called the **new Drayne**, was put from **Croyland** to **Spalding**, as now it goeth.

Grant.

12. The River of **Grant**, by a fair Chanel paſſing from **Beche** to **Charefen**, in **Cottenham**, and ſo into **Ouſe**, was diverted; and by a ſtraighter courſe turned down by another Branch of the ſame River to **Harrimere**, where it loſeth the Name.

13. Laſtly, **New Eegate** in **Gosberchurch**, found through the Marſhes another outfall; but becauſe it was not ſo convenient as the firſt, the Jurats as the Record ſaith, —— *Requiſiti ſi curſus aquæ, quam nunc tenet, ſit ſufficiens ad eductionem & deliberationem aquæ; dicunt, quod ſic: ſed dicunt quod antiquus curſus plus competeret, & utilior eſſet quam curſus quam nunc tenet, eo quod minoribus ſumptibus reparari poterit directè currendo, quàm longè per circuitum & in obliquo, & citius aqua per ibi deliberari, —— Being asked if the Chanel wherein that water then ran, were ſufficient for the carrying it away; they ſaid that it was: but they farther ſaid,* Ex cod. MS. penès *O. S. Jun.* f. 193. b.

Obſervations upon the Statutes of Sewers.

that the antient current thereof would be more fit and beneficial than it, in regard it might be repaired at leſs charge, by running ſtraight, than to go about by a long circuit, and the water much ſooner evacuated.

And for theſe two Reaſons the Jurats have often propoſed to Commiſſioners of Sewers, ſhorter ways to paſs waters; as from Leonards Pipe to the four Gotes, for the water on Wisbeche North ſide: and a new Drayn xx foot wide, by a ſhorter way, from New dike in Wittleſey, lineally to the great River on the North of Wings lake; and many more &c. And in a word, moſt of the new Courſes propoſed for the general draining were of that kind.

CHAP.


PART
of
SUFFOLKE
PART
of
NORFOLKE
Cambridge
Botsham
Anglesey Abby
Swaffham Bulbek
Swaffham pr.
NewMarket
Exninge
Burwell
Reche
Snaylwell
Chippenham
Fordham
Lackford
Herringswell
Erskenham
Elderham
Barton
Worlington
Isleham
Icklingham
Mildenhall
Eriswell
Lakingheth
Wangford
Brandon
Hockold and Wilton Fens
Hockold Fens
Wilton
Hockold
Brandon bridg
Wething
Feltwell
Feltwell Comons
Methwold
Northwould
Cranshouse
Dillington
Eraldon
Hilborn
Goodersf
Stoke
Wrotham
Dereham Abby
Bowton
Wereham
West Dereham
Ruston
Bexnell
Downham Market
Winhotsham
Stow Hall
Stow bridge
Dowsr
Salters Lode
Downham bridge
Beaupre Hall
Ouse Flu.
Magdalen bridge
S. Germans
Swaffham Fens
Burwell Fens
Waterbeche Comons
Soham Fens
Isleham Fens
Mildenhall Fens
Lakingheth Fens
Rock Fen
West Moore
West Fen
Ely
Downham
Little port
Priest houses
Smithey
Melgey
Comon to Stoke and Wrotham
Clay hithe
Milton
Waterbeche
Denney Abby
Cottenham
Wilbarton Fen
Wilbarton
Trumly Fen
Thetford
Wingford
Wickford
Hadenham
Stuntney
Thorney
Soham Moors
Soham
Swaffham Fens
Waterbeche
Cottenham Fen
Plumfield
Upwell
Outwell
Neat moore
Wellonke
Upwell Moor
Mare Lode
Stay Lode
Downham Lode
Dowsr Fen
Ouse Flu.
Redmore Fen
Ouse Flu.
Ouse Town Flu.
Trena Moore
Lakingheth Fens
Lakingheth Fen
Wangford Fens
Brandon Fens
The Scale of Miles
1 2 3 4 5 6


A MAPP
of the
Great LEVELL,
Representing it as it lay
Drowned.
ART of
RIDGE SHIRE
PART
of
HUNTENDON
SHIRE
Roksden
Eaton
Eyresburye
S. Neots
Paxton magna
Paxton parva
Great Stoughton
Peterhill
Draiton
Stanton
Swasy
Over
Holywell
Godmanchester
Bugden
Sibthorpe
Grasham
Kimbolton
Brampton
Elington
Easton
Spaldwick
Catworth magna
S. Ives
Houghton
Wilton
Hemingford
Huntingdon
Hinchingbroke
Herisford
Little Stukeley
Great Stukeley
Wabridge Forest
Wolly
Leighton
Brington
Blastisham
Erith
Colne
Woodhurst
Pidley
Fenton
Warboyse
King's Ripton
Ripton Abbot
Bromholme
Little Raveley
Great Raveley
Sutton and Chateris Fens
North Fen
Wood Walton
Conyngford
Homerton
Smaple Gidding
Little Gidding
Wikin
Upwood
Billing Fen
Barroy
Bigen
Higney
Chateris
S. Benets Croste
Coningston
Glinton
Dogsthorpe
Calcot
Stilton
Stilton Fen
Chateris Moore
Great Park
Ramsey Moore
Ramsey King's delfe
Thorney Croste
Benwick
Witlesey Dike
King's delfe
Fletton
Alderton
Orton
Stangrysand
Woodston
March
West Fen
Witlesey
Peterborough
Milton
Thorney
Thorney Abbey
Knar Lake
Fens
Walterfey
Wisbeche Fens
Borough great Fen
Warrington Chapell
Glynton
Peakirke
Waldram Hall
Throkenholt
Crowland Fen
Crowland
East Deping
Wisbeche
Clowes Croste
PART
of
LINCOLNSHIRE

For the generall drayning of the great Level.

CHAP. LIV.

For the general Drayning of the great Level.

IT hath been a long received opinion, aſwell by the borderers upon the Fens, as others; that the total drowning of this great Level (whereof we have in our times been Eye witneſſes) hath, for the moſt part, been occaſioned by the neglect of puting the Laws of Sewers in due execution in theſe latter times: and that before the diſſolution of the Monaſteries by King *H.* 8. the paſſages for the water were kept with clenſing, and the Banks with better repair, chiefly through the care and coſt of thoſe Religious Houſes.

It cannot (I confeſs) be denyed, but that the opening and ſcouring of thoſe many petty Draynes and Sewers, which antiently had been made by ſundry perſons, for the better drayning of their own particular lands, might much conduce to the ſooner taking away of theſe vaſt ſpreadings of water in the Summer ſeaſon; but wholly to clear them, was impoſſible, without the perfect opening and clenſing of their natural out-falls, which the daily flowing of the Tides had choakt up with ſo great a thickneſs of Silt (as in the xxxvii^th^. Chapter of this diſcourſe I have fully ſhewed.) In order whereunto the firſt conſiderable attempt, whereof I have ſeen any notable memorial, was in 20 *Eliz.* the Queen then granting her Commiſſion to Sir *Thomas Cecill*, Sir *William Fitzwilliams*, Sir *Edward Montagu*, and Sir *Henry Cromwell* Knights, *Robert Sapcotts*, *Rob. Winfeld*, *William Hunſtone*, *Edmund Hall*, *Robert Bevell*, *Vincent Skinner* and *John Mountſteving* Eſquires, and to any four or more of them, to proceed according to theſe following Articles, intituled,

† Penes Remem. Regis in Scacc.

Articles to be enquired on by the Commiſſioners for the Drayning of the Fenns, through and by the Drayn, called Clowſe Croſſe, *and ſo to the Sea.*

1. TO cauſe a perfect Level to be made of the ſame Drayn, throughout all places convenient, from the Clowe-croſſe to the Sea.

2. *Item*, to enquire by the Judgment of Workmen, or otherwiſe, how a perch of the ſame may be wrought, and ſo conſequently what the charge of the whole will amount unto.

3. *Item*, how that charge may be moſt eaſily born, and by whom, and how the ſame may be rated by the Acre or otherwiſe, having a reſpect to charge the owner of the grounds in ſeveralty with more, and the Commoners with leſs, ratably according to their portions.

4. *Item*, to enquire and certify the quantity of the grounds that are ſeveral, and the grounds that ly in Common.

5. *Item*, the names of the Towns, that the Commiſſioners ſhall think meet to be charged in contribution, in reſpect of the benefit they ſhall receive by the ſaid Drayn; and likewiſe the names of the owners in ſeveralty chargeable for the ſame.

6. *Item*, what detriment, loſs, or hindrance may or is like to come to our

For the generall drayning

our Sovereigne Lady the Queen's Majeſty or to any other perſon or perſons by opening of the ſaid Drayn.

7. *Item*, a Book made of the contribution, to appoint, for the well and perfect doing of the work, certain Collectors to levy the money, and certain other perſons to ſee to the expending of the ſame; all which to yield Accompt to the ſaid Commiſſioners.

Hereupon the before-ſpecified Commiſſioners ſate at **Peterborough** upon the *ix*th. of *June* in the ſame year, and there empanelled certain Jurors (*viz.* ſix for each County) of the Counties of **Northampton, Lincolne, Huntendon,** and **Cambridge**; who preſented as followeth; *viz.*

1. To the firſt Article, that there was a ſufficient deſcent or fall between **Clowle-croſſe** and the Sea, for the Drayning of the Fenns; and that the moſt convenient place for conducting of the Drayn was from the Windmill Corner, upon the Weſt ſide of the Bank, called **Willow dike**, unto a place there called **Gannok**; and from thence to cut through the Lands of the Queens Majeſty, and the lands of *Henry Adam* Eſquire, in the Fenn of **Tid** S. *Mary* in the County of **Lincolne**, unto the Ea between both Shires, *viz.* **Lincoln** and **Cambridge**, at **Graynes hill**; and ſo following the courſe of the old Drayn, dividing both the Shires, unto the Gote called **Shire Gote.**

2. To the ſecond Article; that by eſtimation every perch from **Clowes croſſe** to **Gannok**, being in number 968. every perch having *xx.* foot in length, *xxiiii.* in bredth, and ſix foot in depth, would coſt, for the making thereof, *xv*s. And every perch, after the quantity aforeſaid, from **Gannok** to **Graines hill** 61 perches, would coſt *x*s. the charges of the perches aforeſaid amounting 756l. — 06s. — 08d. And from **Graynes hill** to **Shire gote**, being in number 1732 perches, would coſt, for every perch ſcowring 03s. — 04d. that ſumme amounting to 288l. — 13s. — 04d.

The ſumme totall 1045l.

Item, for building of the Clowes, and for every other extraordinary charges thereto belonging, they judg- it would coſt an hundred pounds.

of the great Level.

The total of the whole 1145l.

3. To the third Article, they preſented; that the charges of the Drayn from **Clowes croſſe** to **Graines hill**, ſhould be born by the equal charges of **Cambridgſhire**, to be levied of all thoſe Towns and grounds nigh adjoining, and having Common or ſeveral in any Fenns or low grounds, within any of the ſaid Countries before-named, reaping or taking any profit or Commodity by Drayning of the Fenns by the Drayn through **Clowes croſſe**, and ſo to the Sea.

4. and 5. To the fourth and fifth Articles, they preſented a Bill or Book of ſeveral Countries and Towns thereunto annexed, of all that they knew; and for farther knowledge they referred it to the good diſcretions of the Lords, Maſters, owners and dwellers within any of the Towns and grounds neer adjoining to the ſaid Fens, and reaping or taking any Commodity or profit any manner of wayes by the ſaid Drayn, called **Clowes croſſe Drayn**, or **Shire Drayn.**

6. To the ſixth Article, they preſented; that to their knowledge there was neither detriment, loſs, or hindrance like to happen to the Queens Majeſty or any perſon or perſons, by opening the ſaid Drayn, the Clowes and Bankes being ſufficiently made, ordered, and kept, except two Acres of the Queens Majeſties and *Henry Adam* Eſquire; but great Commodity and profit to all the Inhabitants and Dwellers neer to any of the ſaid grounds or Fenns above **South Ea** Bank.

7. And to the ſeventh Article, they preſented; that they left it to the good diſcretion of the Commiſſioners to appoint at their pleaſures.

Next followeth the names of all the Towns and Lands contributory and chargeable towards this work: as alſo of the Treaſurers and Surveyors for each County: but what was accompliſht therein I am yet to learn: Sure I am, that it would have fallen far ſhort of performing what was aimed at;

For the general drayning

at; there being nothing more evident, than that without a *general Drayning*, all these particular attempts, how chargeable soever, would be of little moment, witness that fair Chanel, made by *John Morton* Bishop of **Ely** in King *H.* 7. time (called *Morton's Leame*, or the *New Leame*) extending from below **Peterborough** to **Guy hyrne**; and this of **Clows crosse**; as also **Popham's Ea**, the **Londoners lode**, and many others: which cost, had it been at once bestowed upon the main work, might have gone far, towards the accomplishment of a general exsiccation of this whole Fenny tract.

And this was, at length, experimentally found to be so, by such as were men of skill and judgment: to the end therefore, that so noble and profitable an undertaking, as this of a *general Drayning* would, might be promoted; and that the interest of them who were Lords (*id est* of the soyl) of those great Waste grounds, or any severals as were subject to such inundation, might not hinder so laudable a work, tending to the disburthening from those great and constant charges in Banks and Sewers, which were found to be of little avail to that publick end, and prevent the extraordinary benefit, which (as was cleerly seen) would accrue thereby to the Realm; that excellent Statute of *xliii. Eliz.* was made, intituled *An Act for the recovering of many Hundred thousand Acres of Marishes and other grounds, subject commonly to surrounding, within the Isle of* **Ely**, *and the Counties of* **Cambridge**, **Huntendon**, **Noxthampton**, **Lincolne**, **Norfolke**, **Suffolke**, **Sussex**, **Essex**, **Kent**, *and the County Palatine of* **Dureime**, *the preamble whereof runs thus; Whereas it is apparent to such as have travailed in the execution of Commissions of Sewers in the Iles and Counties aforesaid; that the Wastes, Commons, Marishes, and Fenny grounds there, subject to surrounding, may be recovered by skillfull and able undertakers, whereby great and inestimable benefit would arise to her Majesty, her heirs and successors, disburthening her Highness of many chargable Banks and works of Sewers within those surrounded gronnds, as the increase of many able subjects by habitations being there erected, and in like sort profitable to many her Highnesses subjects, both bodyes politick and corporate, who have estates of inheritance and other interest within the same: And for that the Drayning and making dry and profitable of those surrounded grounds is chiefly hindred, for that the greater part of them are wastes and Commons, subject yearly to surrounding, wherein divers have Common by Prescription, by reason of their resiance and inhabitancy: which kind of Commons nor their interest therein, can by the Common Law be extinguished or granted to bind others which should inhabit there afterwards: And in that also it appeareth, that the Commoners in respect of their poverty are unable to pay the great charges to such as should undertake the recovery of the same:* It was therefore enacted, that the owners of all surrounded Wastes and Commons, as also the most of the Commoners, for their particular Commons, might contract or bargain for part of such Commons, Wastes, & Severals, with such person or persons who would undertake the Drayning (the Country themselves being not able to do it, as the said Act acknowledges) and that the same their contract, and conveyances thereupon made, should be good and available in Law, against the Lords of the soyl *&c.* and all other the Commoners therein; but not against the said Queen her heirs or successors, except such conveyances should be certified into the Chancery, in case the said Wastes were of the possessions of the Crown, and except the royal assent were obtained thereunto.

Of the great Level.

Howbeit, upon this Act (hapning so neer the latter end of that Queens reign) little was done: but King *James*, shortly after coming to the Crown, being a grave and prudent Prince, as also of a most noble and publick Spirit, and withall highly sensible of the general advantage, which thereby would redound to whole Kingdome; by his Letters[a] directed to the Commissioners of Sewers, for the Isle of **Ely**, and Counties of **Norfolk**, **Suffolk**, **Cambridge**, **Huntendon**, **Noxthampton**, and **Lincolne**, bearing date at **Westminster** the *xi*th. of *July*, in the second year of his reign, encouraged their proceedings therein; expressing his readiness to allow a part of his own Lands,

[a] Ex cod. MS. penès *O. S. John.* Arm. f. 163. b.

11 *Julij* 2 *Jac.*

For the general draining

to be ſo recovered, towards the charge of the work, in like proportion, that other of his ſubjects ſhould do; and ſignified to them, that he had appointed one *Henry Totnall*, and *John Hunt*, reſpectively, to take view of the ſaid Fenns; and to treat and contract with as many Lords and Commoners, as they might, touching the premiſſes; deſiring, likewiſe, the ſaid Commiſſioners to be aiding to the ſaid *Henry Totnall*, and *J. Hunt* therein.

† Ib. 198. b.

The limits † of the Commiſſion for the general Drayning, attempted A. 1605.

3. Jac. An. 1605.

The grounds lying between and within any the limits within the Iſle of **Ely** and Country of **Marſhland**; and within all the grounds every way between the ſaid Iſle and the River of **Ouſe**; and between the Countrey of **Marſhland** and the ſame River of **Ouſe**, and the Upland grounds of **Norff. Suff. Cambr.** and **Huntingdon**; and between all the grounds between the Iſle of **Ely** and the Upland grounds of **Huntingdon** & **Northampton ſhires**: and within all the grounds aſwell of the Waſhes in **Lincolnſhire**, as thoſe between the ſame waſhes, the Iſle of **Ely**, **South ea** bank, great **Poſſant** bank and the River of **Welland**; and within all the grounds between the ſaid River of **Welland**, great **Poſſant** bank, **South Ea** bank, and the Upland grounds in the Counties of **North.** and **Linc.**; and within all the grounds between the River of **Welland** and the River of **Glen**, or in the borders and confines of the ſame.

* Ibid.

*The particular * limits.*

From the Corner of *Edw. Skypwith*'s bank, next to **Creek lode**, by the River of **Ouſe**; and ſo by that Bank to **Maid lode**, alias **Shiplode**; and by a Bank on the North ſide of the ſaid Lode to **Calſey-dike**, and ſo through a part of **Upwell** to **Lakebridg**; and from thence by **Biſhop's dike** to **Fryday brigge**; and ſo **Elme leame** to **Maryes dam**, and to **Tilney hyrne**; and from thence to **Hob's houſe**, *alias* **Benſted hyrne**, to **Guy hyrne**; and from thence to **Clowes Croſſe**, and ſo by **South Ea** bank, and through **Crouland**, to the further end thereof, towards **White houſe**; & from thence by a new Bank or Banks, (as intended to be made) to the Upland neer **Peykirke** in Com. **North.** From thence by the utmoſt ring of the Fenns or low ground to the Upland, ſubject to ſurrounding in the ſaid Counties of **North.** and **Hunt.** to **Erith**; and from thence by **Over** fen Bank to **Over hive**; and from thence by the utmoſt ring of the Fens or low grounds towards the Upland ſubject to ſurrounding in the ſaid County of **Cambridge**, to a Cauſey leading from **Water beche** to **Clay hive** Ferrey; and from thence to the utmoſt ring of the Fenns or low grounds towards the Upland, ſubject to ſurrounding in the ſaid County of **Cambridge**, unto **Upwere**; and thence by the utmoſt ring of the Fens or low grounds towards the Upland, ſubject to ſurrounding in the ſaid Counties of **Cambridge**, **Suff.** and **Norff.** to **Stoke** Cauſey; and by it and the utmoſt ring of the Fenns and low grounds towards the lands ſubject to ſurrounding, in the ſaid County of **Norff.** to another Bank of the ſaid *Edm. Skipwith*'s by **Stoke** River, and by the ſaid Bank of **Helgay** Cauſey; and from thence by the utmoſt ring of the Fenns or low grounds towards the Upland of **Helgay** and **Sotherey**, ſubject to ſurrounding, unto **Sotherey** Calſey; and by it to the River of **Ouſe** at **Sotherey** ferrey; and from thence by the ſaid River of **Ouſe** to the ſaid Corner of the ſaid Mr *Edm. Skipwith*'s Bank.

of the great Level.

In order therefore to this great work, direction was given to one M^r. *Richard Atkins* of **Outwelle** (a perſon whoſe obſervations in theſe fenny grounds were very notable) to make ſearch with an Augar of *xi.* foot long, on the skirts of the **New Leame**, from **Guy hirne** to **Stanground ſtake**, to find the ſoil thereof at eight foot deep: whereupon he began ſo to do on the ſecond of *April*, and found the firſt place on the North ſide 2, 3, 4, and 5. all Moor. 6. At mile and half Tree, Moor: 7, 8. All Moor.

2. Apr. Anno 1605.

9. In the **Leeme**, Moor: 10. On the North ſide Moor: In **Knarlake** Moor

For the general drayning

Moor at eleven foot deep. 12. On the South side against **Knarlake** all Moor.

13. In the **Leame**, Moor. 14. On the North side all Moor to 8. foot.

15. In the **Leame** Moor 9. foot deep.

16. By Lords dikes end, black Moor mixt with earth.

17. In the **Leame** the like. 18. On the North side the like.

19. On the South side **Lipny holt**, against the Hill, mixt Earth.

20. Westward a furlong, black Moor mixt. 21. The like. 22.

23. Against **Eastree**, mixt Moor. 24. Nigh **Cotes**, Moor on both sides.

25. Against **Cotes**, all Moor: Above **Cotes** on the North, Moor, by **Bastually hill**.

26. At **Stonhil doles**, Moor. 27. Against **Calves Croft** South, **Bassa gravel** North, Moor.

28. Between the **Leame** and the Lake against the Mills, Moor.

29. Between **Great Hill** and **Stone hill gravell**, Moor, mixt.

30. Between **Stone hill gravell** and **Eastlong Lotts**, all Clay aloft, and gravell at 2. foot. 8. inches.

31. More Westwards in the River, Gravel and silt at 4 foot.

32. On the North side; At **North Ee gravell** the like.

33. At North **Long-lotts** all Clay aloft.

34.

35. By **Bradley fen**, Clay and mixt Earth aloft, about 3 foot.

36. By **Bradley fen** to the **Leames** end, such like above, but rank Moor all the way under.

The Searches made from **Erith** *bridge to* **Plawlis were.**

At **Erith bridg**, within *Lx* pole of the Bridg, at the first Ham, there, at 2 foot, and 2 foot and a half, Clay: But after, under the same, at 8 and 9 and 10 foot and upwards, is all red Moor; and so from thence all the way over **Sutton fen**, **By Ee fen**, **Many fen**, and **Westmore** to **Wellney** turf ground, all red Moor. And likewise to **Cotehirne** nigh **Franks dike** end; So till within *Lx* Rods; where, at five foot it is mixt silt, and at the water side Clay. The like for 60 or 80 Rods over **Welln Ee** green, and after right over to **Mayd lode**, at the head of Mr. *Skipwiths* ground all vile Moor by the whole Tract.

of the great Level.

After this, *viz.* upon the 22 of *April* next following, the Lords of the Kings Majesties most honourable Privy Council, by their Letters [b] to the before-specified Commissioners, desired them to endeavour to satisfie all such persons; as having no respect to the general good, which was like to come by this Drayning, should oppose it, or use means to others so to do; or otherwise to enjoyn them to attend the said Council. And whereas some of the Commissioners, intending the advantage to some particular parts of the Country, doubting the success of the general work, had made an Order touching that of **Clows Crosse** only; the said Lords by this Letter did command them not to proceed therein, till it should be discerned what success the general undertaking would have.

[b] Ib. f. 194. a. 22 *Apr.* 3. Jac. A. 1605.

Upon receipt of which Letters, the said Commissioners, meeting at **Huntendon**, the *xix*th. of *May* ensuing, made this return [c] to that honourable Board; *viz.* that after long debate, and all objections heard; they concluded (with one consent) that this work of Drayning was fesible, and without any peril to any Haven or County: and not only so, but that they did reckon it the most noble work for the said Lords to further, and most beneficial to the Countries interessed, to have good by, that ever was taken in hand of that kind in those dayes; referring more particular relations concerning it to the beforementioned Mr. *Hunt* and Mr. *Totnall*, the Bearers of those Letters. The Commissioners names subscribed thereto being these; *viz.*

[c] Ibid. b.

Oliver Cromwell.	*Anthony Forest.*
Robert Bevyll.	*Thomas Lambert.*
John Cutts.	*Robert Cromwell.*
John Cotton.	*Anthony Ireby.*
Robert Wingfield.	*Thomas Ogle.*
Robert Cotton.	*Christopher Hudson.*
Simeon Steward.	*William Styrmyn.*
Richard Coxe.	*John Fyncham.*
Henry Spelman.	*William Marshall.*

For the general drayning

21 *Junij.*

Whereupon there was a particular view [d] of the whole Level, begun on the xxi^th. of *June* next following, by Sir *Robert Bevill*, Sir *Robert Wingfield*, Sir *John Gumlyn*, Sir *Richard Coxe*, and Sir *Anthony Foreſt* Knights, *Chriſtopher Hodſon*, and *Matthew Robinſon* Eſquires; and thus certified, as followeth.

d lb. f. 200. b.

First we repaired to the out-fall, to the Sea, at the meeting of the two Rivers of **Weland** and **Glen**; where we found the ſaid out-fall reaſonable good.

Thence to **Cowhyrne** and **Pikebridg**, and ſo to **Spalding** bridg; in all which paſſage we found the River very defective in bredth and depth; and from **Cowhyrn** to **Spalding** bridge a great Bank lying on either ſide the River.

From **Spalding** bridg to **Willow row** end, by **Cubbet** and **Peakell**, to **White houſe**, the River all along being defective as aboveſaid; having a great elbow, by **Cubbet** and **Peakell**, which much hindreth its courſe to the out-fall.

From **White houſe** to **Crowland**, and by the Croſs in the Ea to **Waldyam Hall**, the like defects of bredth and depth appearing, as aforeſaid.

Junij. 22. From **Peterborough** bridg to the **Old Ea** and **Catts-water**, which antient Sewer is ſo grown up with earth and weeds, as that it ſerveth neither for paſſage with Boats, nor Drayning, and ſo hath been of long time; which ought and had wont to be for the ordinary paſſage to and from **Spalding** and other places in **Holland**, to **Peterburrow**.

Thence to **Stanground ſteake**, where we found the River ſufficient for bredth and depth. Thence to **Guyhirne**, in all which paſſage we found wonderfull defects in bredth and depth.

From thence to **Wisbeche**, and ſo to the Sea; in all which paſſage we found the like defects.

Junij 24. From thence by **Elme** River to **Frydaybridge**, and ſo by **Biſhops dike** to **Lakebridge**; thence to **Shrewes-neſt** by **Welle** River, where we took Boat, perceiving at **Shrewes-neſt** that the River of **Nene**, which cometh from the Mares, hath but ſix miles to **Salters lode** to paſs by **Welle**; but by reaſon of the quarring of the ſaid Chanel, a great part thereof runneth from **Shrewes-neſt** to **Salters lode** by **Welleney**, **Litlepoꝛt Chair**, and **Sotherey ferrey** *&c.* which is 28 miles; and that the River through **Welle** cannot be conveniently amended: To remedy which, M^r. *Hunt* deſired, that a new River of 80 foot wide and 8 foot deep be made from **Marche** River, at the **Ham**, croſs **Marmound** *&c.* through **Metemoꝛe**, to fall into **Welle** River, neer **London lode**.

Of the great Level.

This River is now called *Popham's Ea.*

Between **Shrewelneſt** and **Foꝛweare**, we found a place called the **Ham**, not above two foot deep.

About 4 miles from **Shrewes neſt**, is **Elme** leame, which is a Sewer going from **Marche** River to **Fryday** bridge, through **Elme** River to **Wisbeche**; which Sewer is landed up. Thence we came to **March** leame (about a mile and half ſhort of **March** bridge) which is much decayed, to the great hindrance of navigation from S^t. **Ives** to **Wisbeche**, and for the Drayning of all the grounds betwixt **Chateriz ferrey**, and **March** River. And at **March** bridge, on either ſide, we found divers Gravels, which do ſtop the courſe of the River.

Thence to **Great-Croſſe** (3 miles above **March** bridg) and ſo through **Ramſey**, **Ugge**, and **Witleſey** meres. Thence to **Farſet** bridg, about *xvij.* foot broad. Thence *&c.* to **Peterboꝛow**.

From **Peterboꝛow** to **Parley** lode. *Junij* 25. Thence to **Ramſey** lode, along the skirt of the **Upland**. Thence to **Erith** brigg, where M^r. *Hunt* deſireth a new River, from the firſt corner of the **Weſt water** (beneath the ſaid Bridg) to begin in **Middlemoꝛe** Fen, neer to the Severals, and ſo to go, line right, unto **Wellenhey**-River, nigh **Spꝛall were**, and thence, line right, to the fall into **Ouſe** at the end of **Hayde lode**, or at ſome apt place between that and **Salters lode**: which River or Rivers to contain in bredth 120 foot and in depth 8 foot: And for preſervation of the Navigation to and from S^t. **Ives** to **Cambꝛidge**, and **Linne**, as alſo to **Wisbeche**, he thinks it neceſſary that divers

For the general drayning

divers other Sluſes be made; *viz.* one in the **Duſe** neer the Hermitage; one in the **Weſt water** neer to the new River, to ſtop the water from running to **Benwick**, and for Navigation; drayning of **Huntingdon** fen grounds, between it and the Upland grounds, and other neceſſary uſes; and ſo many Sluſes at the ends, as the ſaid River ſhall be divided into parts, which he thinketh to make into 3 Rivers of *xl.* foot a piece.

Junij 26. Thence we came to **Over**, **Aldrich-Cauſey**, **Haddenham**, **Grunty** fen, and ſo to **Ely**. In **Ely** Town we obſerved, that the water was but 14 Inches deep, and upon the Hards 18 Inches, and in ſome places 2 foot.

Thence we paſſed by water to **Sotherey**, and **Pick-willow**, where **Wildenhall** River falleth into **Duſe**: And between **Ely** and **Littleport Chair**, we obſerved[e]; that the ſaid River of **Duſe** was ſo crooked, that the making a new River from **Erith** bridg, through **Sutton**, **Beryall** and **Weſtmore** fens, to **Wellenhey** River, and thence through certain Fenns of **Norfolk**, into the **Duſe**, about **Wayd lode**, would be moſt neceſſary, and that without ſo doing the Fenns could never be drayned.

Thence we went to **Rebbech**, where **Brandon** River (alias **Duſe** *parva*) falleth into **Duſe**, neer **Preiſt houſes**.

Thence to **Sotherey** and **Wodney**. Thence to **Welgay** bridge. Thence to **Fordham**. Thence to **Salters lode**, where **Nene** falleth into **Duſe**; which is a very great deſcent, *viz.* ten foot from the ſoil of the Fenns, to the low water mark, (beſides the natural deſcent of the Fen-grounds, from the Uplands of **Huntingdon-ſhire** thither.) Thence to **Wisbeche**.

Junij 27. Thence to **Tower houſe**, and ſo to **Hobbs** houſe; where we obſerved that **Plantwater** (which cometh out of **Nene** at great **Croſſe** to the ſaid **Hobbs** houſe) with **Staven Ea** (which were wont to run to **Tower houſe**, and ſo to **Wisbeche**) do now run from **Hobbs** houſe, by **Hunſter ſtones**, through **Hobbs dike**, into **March** River.

Thence we went to **Marche** and **Dodington**: and between **Dodington** and **Chateriz** there is a ſmall lode **Beſſelinges lode**, which runneth through a low Mariſh Fenn.

of the great Level.

Thence to **Chateriz** Towns end; where there is a Sewer called **Chateriz leame**, growing from the **Weſt-water** at **Chateriz** Ferry unto **Doddington** weeles.

Thence to **Nephall**, and there ſaw **Nephall lode**, which runneth from **Sutton lode**. Thence, by water, to **Cambridge**.

In which paſſage we took notice, that **Harrymere** gravell was a great means of the overflowing of **Grant**. As alſo of **Burwell lode**, **Swaffham lode**, and **Botesham lode**, all which do fall into **Grant**.

Upon this view Mr. *Hunt* (who was the Artiſt for the Drayning) repreſented[e] to the ſaid Commiſſioners what Cuts, Banks, Sluſes, Clows *&c.* would be in his judgment farther neceſſary in order to the perfecting this work; all which they ſignified under their hands to the Lords of the Councill, together with their opinions how much it would tend to the honor and inriching of the Kingdome; but declined, in regard of ſhortneſs of time, to give any eſtimate of the charge thereof, or upon what conditions it would be meet to take it in hand.

[e] Ib. f. 204. a.

And upon the *xxiiii*th. day of the ſame Month, the King himſelf, by his Letters[f] bearing date at **Greenewich**, taking notice of theirs to the Lords of his Councill (as aforeſaid) incited them, to fall in hand ſpeedily with the work; and the rather, becauſe that was a dry Summer, and ſo the more proper for it: intimating alſo, that for the better expediting thereof, he had imployed his Chief Juſtice (*Popham*) to take pains therein.

24 *Junij* 3 *Jac.* Anno 1605.

[f] Ib. f. 194. b.

Whereupon ſuch good ſpeed was made, that upon the *xiii*th. of the next Month, this following certificate was delivered in to the ſaid Commiſſioners, then ſitting at **Wiſebeche**.

For the general drayning, 13 July 3. Iac. an. 1605. § Ib. 197. 2.

§ *The true content or number of Acres in the Fenns deſcribed in the general Plot, lying without the Fen-dikes, as it was delivered by* William Hayward *Gent. Surveyor, upon his Oath at* Wisbeche 13 *July* 1605. Acres.

of the great Level.

Burrough-ſoke great Fen, with ſome ſeverals by Catts-water — 8015
Burrough little Fen. — 900
Cropland Fenns, in three pieces — 2000
Certain ſeveral Fens and wet Meadows, lying in Ely, between Borrough-Little fen, Borrough great Fen, and Catts water — 763
Thorney grounds, containing in all 15850, whereof in hard land 400 Acres; in Fenn — 15450
Wisbeche Hundred high Fen, with Sutton Fen and Throkenholt ſeverals — 8365
Ladwers, Irwell-moore, the Rivers *&c.* and other ſeverals betwen Coldham bank, Biſhop's dike, the diviſion of March, Welney-River, and Darcey-lode — 0740
Wittleſey and Stanground Common Fenns, with divers ſeverals and half ſeverals between the old Ea and Thorney bounds, the diviſion of Wisbeche high Fenns and Dodington fenns; and from that diviſion by the High ſtream and Ramſey-mere to Knuts delph, and by that Delph up to Horſey brigg (in which bound Ramſey hath a part of a Fen, next to Ramſey mere) containing 2800 Acres — 24435
Other Fens between the ſaid Delph, the high ſtream, Ubmere, Wittleſey mere, and ſo by Conqueſt lode to Pocket-holme, and the high Land — 7390
Certain Fens in Huntingdonſhire, between the high land skirts, and Ramſey-Hards, and Mere; and the ſaid high ſtream and Conqueſt lode — 13455
Other Fenns of Huntindonſhire, lying between Ramſey Mere, the high ſtream to Benwick, the Weſt-water to Erith brigge, and the skirts of the high land, between the ſaid Bridg and Ramſey Hards — 13340
The Fenns of Dodington *cum membris*, Common and ſeveral — 32000
Hony Fens, in all 370. *viz.* Hard land 90. Fen — 280
Chateryz Fens, together with certain Fens of Sutton and Byall fen, with ſome ſeverals lying between the bounds of Dodington and Hony, the Weſt-water, Sutton lode, and Orwillow lode — 20700
Sutton Fens on the South of Sutton lode, between the Weſt-water, Haddenham fens, and the Hardes of Haddenham, Sutton, and Mephall — 2910
Haddenham fens, between the former Fens, the River of Ouſe, Wilberton fens, and Haddenham hards — 3870
Willingham fens, on the South of the Ouſe, on the Weſt of Aldrey-Cauſey, beſides Hempſall on the Eaſt thereof — 2920
Wilberton Fens, with part of other Fens between the Ouſe and Hard land, to Ely bridge — 2790
Gzunty-fen, encompaſſeth with the high lands — 1694
A Fen more North, between Sutton lode, by Coveney and the hard land of divers Towns compaſſing it — 3780
Downham Wodfen, and other Fens between the Fens of Little port, the Ouſe, and Ely hard-lands, to the Town — 2440
The Fens of Littleport on both ſides of the Ouſe, Common and ſeveral — 12660
Weſtmore, South of Darcey-lode, and Weſt of Welney River, together with divers ſeverals — 15360
Certain Fen grounds, Common and ſeveral, between Welney River, and the Cauſey dike in Upwell — 1105
Certain Fens, Common and ſeveral, between Welney River, Maid lode, the Ouſe and Litleport grounds — 8600
Part of Wisbeche high Fen, lying in Walterſey, with divers ſeverals — 4320
Marſhland-fen, and many other grounds between Maid lode and Spalding River, the Fen banks, and Sea banks, which will be made dry by the general drayning — 4220

The

For the general drayning of the great Level.

Acres.

The Fens between **Helgay** brigg and **Stoke** brigg, by the River on the South-east; the high lands of **Stoke, Wretton, Wereham, Dereham** and **Wroxham** on the North; and the grounds of *Edmund Skipwith* Gent. on the West — 2900

The Fens between the high grounds of **Hacwold, Wilton, Feltwell, Methwold** and **Northwold** high lands, on the East; **Soke** River on the North; the imbanked grounds of **Helgay, Hodney, Southrey**, and in part the River of **Ouse** on the West, and **Brandon** River, from **Preist houses** to **Brandon** brigg — 23290

The Fens between **Brandon** River, on the North the River of **Ouse**, in part; and **Whelpmore** and **Burt** fen on the West; **Mildenhall** high land and River on the South; and the high lands from **Mildenhall** to **Brandon** — 22120

Between **Mildenhall** River, on the North east **Ouse**, from **Pickwillow** to **Ely** brigg on the North West **Stuntney** and **Soham** Causey, the high ground of **Stuntney, Nozney, Soham, Isleham** and **Wozlington** on the South, and East, contain — 11780

Between the said Causey and the high lands of **Stuntney**, on the North **Ouse** and **Grant**, from **Ely** brigg by **Up-were** on the West, **Wickynhie** grounds on the South, and of **Soham** East — 4297

The Fens and low grounds between **Grant** from **Upwere** to **Clay hithe** and **Hozningsey** high grounds, on the West the way from **Quoy** to **Cambridge**, and **Quoy** and **Bottesham** high grounds on the South; the two **Swafhams, Reach, Burwell, Lanward** and **Fozham**, on the East; and of **Soham** and **Wickin** North — 11950

The Fens between the high grounds of **Teversham** and **Hinton** West; of **Fulburne** South; of great and little **Wilbam** East; of **Bottesham** and **Quoy**, North — 1240

Between **Grant** from **Harrymere** to **Ditton**, on the East of **Ouse**; from **Harrymere** to **Aldrich** bridg on the North; **Hempfall, Yam** and the high grounds of **Rampton**, West; and the high grounds of **Cottenham** and **Denney** Abby South — 9480

Hempfall and **Ireham**, East of **Aldrich** Causey — 823

The low grounds from S^t. *Ives* to **Erith** bridge on the South; the Fens of **Willingham** and **Over** on the East; the high grounds of **Swafey, Drayton**, and **Stanton** on the South, and the high grounds of S^t. *Ives* West — 3529

The low grounds below S^t. *Ives*, on the North side of **Ouse**, between the said River on the South and East, and the high land of **Bluntesham, Hallywell** and S^t. *Ives* on the North and West — 1871

The total sum 307242 Acres.

Whereupon the said Commissioners sitting [h] at **Wisebeche** aforesaid, upon the day and year aforesaid (the Lord Chief-Justice **Popham** being then and there present) made certain Laws [i] and Ordinances, the extract whereof is, as followeth.

[h] 13 Jac. an. 1605.

[i] Ib. f. 204. b.

Ordered, first, that Sir *John Popham* Knight Lord Chief Justice of **England**, Sir *Thomas Fleming* Knight Chief Baron of the Exchequer, Sir *William Rumney* Knight Alderman of **London**, and *John Eldred* Citizen and Clothworker of **London**, their heirs and assigns, shall within the space of 7 years, next coming, at their own proper costs and charges, drayn all the Fens and surrounded grounds, between the old course of the River of **Ouse** as it now runneth from **Erith** bridg to **Salters lode**, and **Deping**; and within the land Eas hereafter mentioned: And convey the said River of **Ouse**, or the greatest part thereof, from some place at or neer **Erith** bridg aforesaid, unto such place between **Salters lode** and **Mayden lode**, as the said

For the general drayning

said Undertakers &c. shall think meet.

Which conveyance to be made between the bottom of the two uttermost Banks 30 pole at the least, and the Rivers to be 30 foot wide and 8 foot deep: And the same utmost Banks, to be each of them 30 foot wide at the bottome, and 7 foot in height at the least; and if that height will not do, to carry away the water &c. then to raise them higher.

That the like passage be made at the entrance of the Fens neer **Peterborough**, for the conveyance of the River **Nene** from thence to **Wisbeche**.

And so likewise for the River of **Weland**, from its entrance into the Fens at **Waldram Hall**, untill it meet with **Glen**.

That Land-Eas from **Erith** to **Stanground**, and thence to **Waldram hall** be made, to defend the grounds within them, and between the said new passage of **Ouse** and **Weland** from the Land flouds falling from the Upland-Countreys: which Land eas to be from the utmost part of the Fence dike 6 pole at least.

That a drayn be made from **Salters lode** unto the **Ham** in **March** River, to carry away the water which shall fall into the same Land eas &c.

That a new Bank be made from **Erith** bridg to **Ely**, to defend the grounds between that and the same new passages from the overflowing of **Ouse**: As also other necessary Sluses and Drayns, within the precincts before-mentioned, with Bridges &c. for passage &c.

That the Undertakers shall have such sums of money as the Commissioners at their Session shall think fit, from those persons who shall take benefit by this drayning, and not contribute part of their Lands towards the charge thereof.

That the Undertakers shall allow for the drayn at **Clows Crosse** in ease of this charge to the Countrey.

That a Navigable Sluse be made at **Salters lode**. And that **Well-Creeke** shall be inlarged and diked to **London lode**; and thence through **Neatmore** to **Wadingstowe**; and thence over the River of **Wellenhee**, as directly as may be, unto or above the **Ham** in **March** River. And a Sluse, with a bridg to be made at **Wadingstow**; to keep so much of the River **Neene**, as shall be needfull, in its old course through both the Towns of **Welle**.

of the great Level.

In recompence of which performance, the said Undertakers to have one hundred and thirty thousand Acres, of statute measure, of Fen grounds (at fivescore to the hundred) to be taken out of the worst sort of every particular Fen proportionably, by the Commissioners, before the Feast of the Annunciation of our Lady next coming, the whole number of surrounded Acres being 307242.

And that the Undertakers, their heirs &c. shall enjoy all the said waters, Fishings and Banks, of and within the Rivers, with the Indikes, and Land-Eas; and liberty to take sufficient menure for the repairing of the said Banks &c. which Rivers, Banks, Indikes &c. to be accounted parcell of the said 130000 Acres so assigned to them.

And that the said Undertakers shall make good all drowned parcells out of their own proportions, or in value, in case the drayning be not made perfect to the Land-owners.

Of which quick dispatch his Majesty being advertised, he wrote to them, again, from **Theobalds**, upon the *xxiii*th. of the same Month of *July*: by which Letters [k] he commended their endeavours in the work, and progress made therein: and, taking notice of some opposition, which had been made by certain people thereto, not knowing out of what spirit it proceeded, desired them to take special care to suppress the spreading of all false rumours, that might give distast to the Countrey, touching their proceedings therein, and with those who were then imployed by his Majesty in that service, as also to examine the grounds of all such rumors, and to punish the Offenders; giving advertisement to his Majesty and the Councel of any mutinous speeches, which might be raised concerning this business, so generally intended for the publick good.

[k] Ib. f. 195. a. 23 *Julij* 37 *Eliz.*

Shortly

For the general Drayning

Shortly after this, *viz.* upon *Monday*, *Aug.* 5th. Mr. *Hunt*, *Ric. Atkyns* and others, laid [l] out the ground where the River, through *Neatmore* ſhould go, by a ſtraight line to **Mumbes** dikes end: but miſliking the way, on *Tueſday* they veiwed **New ditch**; and in the North-eaſt end thereof, by the **Pow dich**, laid out the Ditch, to be led, line-right, from thence to the Croſs at **Upwell** Towns end.

An. 1605.
l lb. 199. b.
Aug. 5th.
Popham lode begun.

And upon [m] *Wedneſday*, about 8 of the Clock, the work began, in the preſence of Mr. *Hunt* (who caſt the firſt ſpit the wrong way) Mr. *Helon*, Mr. *Totnall*, Mr. *Hamon*, Mr. *John Fyncham*, Mr. *Richard Atkyns*, and others. And was proſecuted ſo well, as that upon † the *xxi*th. of *December* following (being the Feaſt day of S. *Thomas* the Apoſtle) the Bank at the Croſs at **Upwell** towns end was opened, and the River ſuffred to run; as alſo a Bridge preſently laid over. But on the *xv*th. of *March* next enſuing, there hapned ſo great a ſtorm, that it brake the Banks of this new River, and drowned **Neatmore**, with the ſeverals adjoining: So that on the *xxi.* of the ſame Month of *March*, they were conſtrained to ſtop the River at **Upwell** Towns end, again.

m *Aug.* 7th.
† lb. f. 199. b.
21 *Dec.*
15 *Martij.*
21 *Martij.*

Not long after this, there was a Petition [n] exhibited to the King, by the Inhabitants of divers fen-towns without the Ile of **Ely**, in the Counties of **Suff.** and **Cambrige**; humbly deſiring, that whereas a moſt laudable work of drayning the Fens *&c.* was then recommended to the high Court of Parliament, and that divers Towns lying on the skirts of thoſe Fens would have no benefit thereby, in regard their lands were very ſeldome ſurrounded; they therefore might be excluded out of the intended Act of Parliament, whereby a proportion of the ſaid Fen grounds was to be allowed to the undertakers in the drayning, for the ſupporting of their charge therein.

n lb. f. 195. b.

Whereupon the Lords of the Councel, by their Letters [o] dated at **Whitehall** upon the *xxxi.* of *Auguſt*, in the fourth year of the ſaid K. *James* his Reign, reciting what had been ſignified formerly by them as to the feciblenes of the before-ſpecified Drayning; and that the Lord Chief Juſtice (*Popham*) was preſent at the Seſſion of Sewers held at **Cambrige**, and gave notice to the Country that his Majeſties pleaſure was ſo far to further the ſame, as to men of underſtanding might appear to be to the general good of his people; as alſo that there was a Law then made for the ſaid Drayning: And moreover, that at another Seſſion held at **Wysbeche**, order was taken for the drawing of a Law to be preſented to the Parliament for confirmation thereof: But that ſome perſons, not well underſtanding the ſtate of the cauſe, complained to his Majeſty of great loſſes and hindrances which they were like to ſuſtain in caſe the ſaid Act ſhould proceed; and therefore deſired the ſaid Commiſſioners to examine the true Cauſes of thoſe Complaints; and to repreſent to them the true ſtate of the Fens, with the difference between the laſt years profit and that preſent year.

o lb. f. 196. a.
Ult. *Aug.* 4 *Jac.* Anno 1605.

of the great Level.

In anſwer whereunto the ſaid Commiſſioners made this return [p] to the ſaid Lords of the Councel; *viz.* that they did meet at **Cambrige** on the 22. of *October* 1606. for the Examination of the Petition formerly mentioned; and that they found few reaſons to fortify it, but ſuch as were or might be provided for in the intended Bill; all perſons with whom they had treated having acknowledged, that the want of drayning was an ineſtimable hurt to thoſe Fenny Countries: And that whereas an objection had been made of much prejudice that might redound to the poor by ſuch drayning, they had information by perſons of good credit, that in ſeveral places of recovered grounds, within the Iſle of **Ely** *&c.* ſuch as before that time had lived upon Almes, having no help but by fiſhing and fowling, and ſuch poor means out of the Common Fens, while they lay drowned, were ſince come to good and ſupportable Eſtates.

p lb. f. 196. b.

For the general drayning q ib. f. 207. a.

The Chief Contents q of the Bill handled in Parliament, Anno 4. Regis Jacobi, *touching this general Drayning.*

The limitation of time allowed to Sir *John Popam* Knight (Lord Chief Juſtice) and the reſt of the Adventurers, for accompliſhing the work, was to be ten years after the end of that Seſſion of Parliament.

The particular Cutts and Drayns &c. to be made by the Undertakers, were as followeth.

1. A New River, with a Bank and In-dike, from the Upland, neer **Peykirke**, between **Welland** and **Burrow** Bank, unto or neer Heddike Corner; and thence to **Crouland** water head, and there to place a Sluſe; and ſo to great **Poyſand** Bank, with a Dam over the River to the ſaid Bank, to keep in **Welland** from overflowing.

2. To amend the Leame from **Peterborough** to **Guyhirne**; and to cut a new River and Bank on either ſide of the ſaid Leame, with Indikes for preſerving of the Banks; the North Bank to begin from **Burrow** little Fen Bank; where ſix of the Commiſſioners ſhall think fit.

3. To enlarge the River from **Guyhirne** to **Wiſebeche**, and ſo to the four Gotes.

4. To make a ſufficient paſſage for the River of **Ouſe**, from **Erith** to **Salters lode**, either by enlarging its Chanel, or embanking *&c.* And to make two new Rivers to begin about **Erith bigg**, and ſo to go by **Spyall's were**, to **Mayd lode**; and ſo through **Denbet** fen into **Ouſe**, about **Denver hithe**, with ſufficient Banks and Indikes *&c.* and Sluſes at the upper end of the new Rivers and Weſt water, in ſuch ſort as the Navigation in old **Ouſe** and **Grant** may not be impaired.

5. To imbank in all needfull places, **Grant**, **Mildenhall**, **Brandon** and **Stoke** Rivers; *viz.* **Grant** from a Corner below **Clayhithe** ferrey, **Mildenhall**, and **Brandon** Rivers, from their entrance into the Fens, or from ſome other more convenient places. And **Stoke** River, from **Stoke** Cauſey; unto the places where they fall into **great Ouſe**; and to enlarge them where need is, with Banks and Indikes *&c.* as ſix of the Commiſſioners ſhould think fit. **vel.**

6. And to make new Rivers, Banks, Indikes *&c.* where need is *&c.* yielding to the owners of the Lands, ſuch recompence, as any ſix of the ſaid Commiſſioners ſhould think meet. As alſo Bridges, paſſages, Sluſes, and Land Eas.

7. That they may take in water to maintain fiſhing, ſo as the ſame be kept within Banks, and be not hurtfull to the adjoyning Fens.

8. To make Ferryes and Ferrey houſes where need is.

9. That for this performance the Undertakers *&c.* to have in ſeveralty 112000. Acres, Statute meaſure, by the ſmall hundred, by aſſignation of the Commiſſioners.

10. That where there is ſufficient waſte to anſwer the Undertakers, and leave ſufficient for the Commoners, the Land owners not to be impeached in their ſeverals.

11. That the Commiſſioners do reſpect both quantity and quality in their opportioning.

12. That ſuch opportioning be made before *Michaellmaſs* A. 1607. if they may.

13. That of **Walterſey** the Undertakers to have 2. full parts of 3. to be ſet out, as aforeſaid.

14. That the Undertakers ſhall have the ſoil, waters, and fiſhing of all the new Rivers; ſo to be made, with the Banks, Indikes *&c.*

15. That they ſhall begin to take their profits, as they finiſh their draynings.

16. That if any of the grounds ſhall be again overflowen, recompence to be made to the parties damnified, out of the 112000. Acres, to be aſſeſſed by any ſix Juſtices of the Peace (whereof 2. of the *Quorum*) where ſuch ſurrounding ſhall happen.

17. That all grounds adjoyning to theſe Fens, which are bettered by the Drayning, ſhall contribute towards the charge of the Undertakers, as any ſix or more of the Commiſſioners ſhall think meet.

18. That

For the general drayning

18. That all Mannors, Waſtes, and Common ſhall have metes and boundaries ſet to them by the ſaid Commiſſioners, where the bounds are known; and ſo likewiſe where they are not known, to do the like; which boundaryes ſhall ſtand good for ever. And that if the Commiſſioners cannot agree; the difference to be certifyed to the Lord Chancellour, or Lord Keeper for the time being; who with the aſſiſtance of certain Judges of both Benches, to determine it. And that within 3. years after ſuch determination, the Owners and Commoners to make diviſion Dikes, in bredth and depth as ſhall be thought fit by their Lords and the Homage.

19. That the Commons ſhall be ſtinted by the Lords and greateſt part of the Freeholders, and Copyholders Commoners, with the allowance and conſent of the Judge of the Iſle, or one of the Juſtices of Aſſize of the County.

20. That the Cottagers upon the Lords waſte, not having right of Common, becauſe they have been ſuffred to take benefit of the waſtes, ſhall be provided for by the Lords and Homage in every Mannour, in the ſaid waſtes, as the Lords and Homage ſhall think fit.

21. That of the 112000. Acres belonging to the Undertakers, no more then 4d. an Acre to be paid for the *Tithe* thereof for ever, yearly.

21. That after the ſaid Drayning, there ſhall be a Corporation, or body politick of *xxx.* known diſcreet and ſufficient perſons, by the name of the *Governours of the Fens within the Iſle of* Ely &c. to purchaſe *&c.* Lands, to ſue and to be ſued by that name; the firſt of theſe to be *Martin* Biſhop of Ely, Sir *Anthony Mildmay*, Sir *John Peyton*, Governor of Gernſey; Sir *Oliver Cromwell*, Sir *Robert Bevyll*, Sir *Edw. Coke* Attorney General, Sir *John Cutts*, Sir *John Heigham*, Sir *Rob. Wingfield*, Sir *Rob. Cotton*, Sir *Edw. Aſſley*, Sir *Henry Warner*, Sir *Miles Sandys*, Sir *Simeon Steward*, Sir *Thomas Lambert*, Sir *William Rumney* Knights; *Humfrey Tindall* Dean of Ely, *Anthony Irby*, *Tho. War*, *Thomas Rawlyns*, and *Henry Totnall* Eſquires; *John Eldred*, *Roger Offeild* of London Merchants, *John Fyncham*, and *John* of the *Hunt* Gentlemen: And when theſe dy great Lenew to be choſen, by the moſt voices, vel. out of ſuch Lords or Undertakers as ſhall have 1000. Acres at the leaſt of lands aſſigned to them.

21. And that the Governours for ever ſhall have aſſured to them 112000 Acres, ſtatute meaſure, which they may keep for ever, and the profits to be imployed for the perpetual maintenance of the drayning, and ſatiſfaction for drowning, as before, ſo far as it will ſuffice; and when it will not ſuffice, the Governours then to lay a Tax of all the reſt, to do it withall.

22. And that the ſaid Governours may make Laws for the maintenance of the drayning and levying ſuch Taxes, in caſes aforeſaid, and put them in execution, being ratified by the Lord Chancelour, Lord Keeper, or the Lord Treſurer and the two Chief Juſtices or any three of them, whereof the Lord Keeper, or Treſurer to be one. And the Governours to let the lands to them appointed, to the beſt value, ſo as they exceed not the term of ſeven years.

An. 4°. *Jacobi Regis Cap.* 13.

Obſervations[r] *out of the Act for Drayning of certain Fens &c. within the Ile of* Ely, *containing about 6000. Acres, and compaſſed with a Bank called the Ring of* Walderſey *and* Coldham. [r] Ib. 167. b.

THat *Francis Tindall* Eſquire, *Henry Farre*, and *John Cooper* Gent. having undertaken to endeavour the drayning *&c.* ſhall have power, for the ſpace of 7 years enſuing the end of that preſent Seſſion of Parliament, to effect the ſame; the lands ſo intended to be drayned, lying within the Bank beginning at Rekys mill, and thence extending by Tower houſe and Hobbes houſe to Tyney hirne; ſo by Maryes dam and Elme leame to Fryday bridge; and thence by Redmore dike, Begdale, and Goldike to Rekys mill again. And that for the doing thereof they may have power to make new, or repair, as need is, all Drains, Lodes, Banks *&c.* and Sluces, as they ſhall 43 *Eliz.*

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think fit, not being in **Marſhland**, within the old **Powdike**, giving ſuch ſatisfaction to the owners, as by any ſix Commiſſioners of Sewers (whereof three inhabiting within the ſaid Iſle, and three within the County of *Norff.*) ſhall be ſet down.

VVhich Undertakers *&c.* having accompliſhed the ſaid Drayning, to have two parts, in three, of the lands ſo drayned, to them and their heirs, to be ſet out by ſix of the ſaid Commiſſioners at the leaſt, whereof four inhabiting within the ſaid Iſle: which two parts to be holden of the chief Lord of the Fee *&c.* in free and common Socage, and to be exempt from payment of any Tithes for 7 years, after the time limited for the ſaid drayning.

But if the ſaid grounds ſo undertaken *&c.* ſhall in default of the ſaid Undertakers, be overflowed and ſo continue by the ſpace of two months betwixt the Feaſt of S. *Mich.* the Archangel and the *Annunciation* of our Lady; or the ſpace of one month betwixt the Feaſt of the *Annunciation* of our Lady and S. *Michael*, the owner by the view *&c.* of any ſix of the ſaid Commiſſioners, to re-enter and to enjoy the ſame.

Things moſt obſervable, extracted by me W. D. *out of the Verdict of the Jurats, for the Hundred of* **Clakcloſe** *and* **Freebridge** *in* **Marſhland**, *at a Seſſion of Sewers held at* **Ely** *26 Julii An. 1608. 6 Jacobi.*

1 lb. f. 116. a. 26 Julii 6 Jac. An. 1608.

1 THat the River of **Welle** from **Salters lode** to **Northelf**, and ſo upward, was then in great decay in depth and bredth, for want of cleanſing *&c.*

2. So likewiſe the Sewer called **Small lode**, in **Upwell**, being ſtopt *&c.*

3. That the Sewer called **London lode**, lying in **Upwell**, ordained for the Drayning of the Fen called **Meatmore**, was alſo in ſome decay.

4. That the Sewer called **Maide lode** (beginning at **Welney** water) extending to **Shiplode** and ſo to the River of **Duſe**, was impoſed upon the Undertakers to ſcour *&c.*

5. That the Sewer called **New dich** in **Littleport**, taking its head from **Welney** water, and extending to **Crekelode**, in **Sothzey** and **Pelgay**, was then in decay *&c.*

6. That the Sluſe at **Crekelode** end, next to the River of **Duſe**, being utterly decayed, to be new made, with a dore ſix foot broad, and 8 foot deep.

of the great Level.

7. That there was a new Sewer in **Upwell** then lately begun, by the late Lord chief Juſtice *Popham*; which taking its head out of the River of **March**, neer a place in **Upwell** called **Newdich** end; and extending it ſelf through the Common of **Upwell** *&c.* to **Wadyngſtow**, and ſo through **Meatmore**, falleth into **Welle** River at **Northelph**, is eſteemed to be a perfect Drayn for the moſt part of the Iſle of **Ely**, eſpecially the whole Hundred of **Wisbeche**, and the Towns of **Upwell**, **March**, **Dodington**, **Wimlington**, **Benwick**, **Chateriz**, **Whitleſey**, **Litleport**, and other adjoyning places, even to the high Lands.

Popham Ea.

8. That the Common Sewer in **Sothery**, called **Stakelode**, was then in great decay.

9. That the River of **Wyſſe**, from **Pelgay** brigge to the River of **Duſe**, was then defective in bredth and depth; and to be amended.

The next year following, upon the 7th day of *June*, in a Seſſion[r] of Sewers held at **Ely**, theſe following Laws were made, *viz.*

[r] lb. f. 210. b. 7 Iunii 7 Iac. An. 1609.

1. That the defects in **Popham lode** ſhall be amended.

2. That for the ſafeguard of the grounds in **Welle**, by which the ſaid Lode muſt paſſe, there be on either ſide of the ſame a ſufficient Creſt made, extending from the Cauſey of **Upwell** to **Welle** river at **Northelph**, and the ſaid Creſt, or Bank, to be ſix foot from the plain ground, and in bredth at the top ſix foot, and in thickneſſe at the bottom *xviii* foot: And that the ſaid River be ſcoured and caſt two foot more in depth than it then was. With Indikes of *x* foot in bredth, and four in depth, and two convenient Pipes or Sluſes at its fall at **Northelph** into **Welle** River.

3. That a Bridge of ſtone be made at the head of the ſaid River by the Cauſey

For the general drayning

ſey aforeſaid, over the ſaid Lode, of *x* foot broad, with Sluſes in the three Arches thereof.

4. That four pair of Barrs be ſet up to keep Cattel from coming on the ſaid Banks.

5. And that **Welle** River from **Wullycourt** to **Salters lode** be made above 50 foot wide.

1 *Aug.* 7 *Iac.* By virtue of which Law, the River called **Popham lode** was again taken * 1b. f. 200.a. * in hand upon the firſt of *Auguſt* enſuing; and caſt two foot deeper.

An. 1609. 23 *Aug.* 7 *Iac.* Soon after this, *viz.* on the *xxiii* of the ſame month, in a Seſſion of Sewers † held at **Ely**, the Commiſſioners, taking into their conſideration, that whereas part of the main River, dividing the County of **Huntendon** from the Iſle of **Ely**, called the **Weſt water**, had uſed to fall by and through **Sutton lode**; and thence by ſundry Lodes, to **Cannol lode**, and ſo into **Welney** water, neer **Littlepoxt**; all which Lodes, by ſundry annoyances and negligences, were become almoſt altogether unprofitable to the Country *&c.* to the great damage of all the Towns lying on the South ſide of the ſaid Iſle, and ſundry Towns in the Counties of **Cambridge** and **Huntendon**; they ordered and decreed, that all the ſaid Lodes ſhould be cenſed. And alſo, that one antient Bank on the Eaſt ſide of the **Weſt water**, extending from **Erith** to **Sutton** lode end, and ſo to **Wydelmore** ſtampe, ſhould be raiſed four foot from the Level of the ground thereabouts, and made ten foot in bredth at the bottom, and 3 foot at the top, by the owners *&c.* of the ſaid grounds.

† Ex bundello Decretorum in Officio nuncupato the Pettibag.

And one other Bank, lying by the ſaid **Weſtwater** upon **Wydelmore**; and another at the South thereof in South **Wedland**, extending it ſelf from New ditch *&c.* to be made of the height and bredth aforeſaid, by the Inhabitants of **Sutton** aboveſaid.

And that another Bank, lying partly by the ſaid **Weſtwater**, extending from the ſouth end of Abbots **Holload** houſe bank to **Holload** gate, at the miles end, and ſo by the **Weſtwater** in North **Wedland**, unto **Sutton** lodes end aforeſaid; thence to **Wydelmore** ſtampe; thence by **Shakpole** lode, ſo to **Wandolegate**, to **Hunlode** gate, to be repaired, as aforeſaid, by the Inhabitants of **Sutton**, & **Wepall** abovementioned. of the great Level.

About that time twelvemonth, there was another Seſſion of Sewers held at **Wiſebeche**, *viz. ſexto Julii*, 8 *Jacobi*, where *James Hawe* Gentleman, *Edmund Gawſell* Gent. and others, preſented [u] as followeth; 6 *Iulii* 8 *Jac.* Anno 1610.

u Ex præfato cod. MS. penes O. *John* Arm.

Inprimis, we find not by any Record *&c.* that the River of **Well**, from **North delf pingle**, unto **Salters lode**, hath at any time within the memory of man, been ditched: But we find that it hath been twice enlarged by the Inhabitants of **Marſhland**, and the Town of **Wiggenhall**, and the Landholders of **North delf pingle**, *viz.* in the ſixt year of K. *Henry* the 1. and at the erecting of **New Powdich** &c.

And we likewiſe find, that in 18 *Eliz.* there was 24 foot of ground, lying on the South ſide of the River next **Salters lode**, granted to the Inhabitants of **Marſhland** & the Town of **Wiggenhall**; whereof *xii* foot was digged next to the river, for the erecting of a Bank to amend the **Pow dich** in time of neceſſity. In full ſatisfaction whereof the ſaid Inhabitants of **Marſhland** and **Wiggenhall**, with the Landholders aforeſaid, did grant to widen the River, there, *xii* foot: Which Grant was then decreed by a Law of Sewers, for perpetuity *&c.*

We likewiſe ſay, that **Popham Ee**, doth, and is likely to bring much more water to the River of **Welle**, from **North delf** to **Salters lode**, than hath uſually paſſed that way, within the memory of man.

Upon which Verdict enſued then and at that place theſe Orders made by Sir *John Peyton*, Sir *Miles Sandes*, and other his Majeſties Commiſſioners, *viz.*

That the *ix*th of *Auguſt*, next following, a view ſhould be taken by the ſaid Commiſſioners, of the River between **North delf** and **Salters lode**; and upon the ſame view, a Law made, for the widening, diking, and making it of ſuch wideneſſe and depth, as the ſaid Commiſſioners ſhould think fit; to be done at the charges of the Country of **Marſhland**, the Town of **Wigenhall**,

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and the Landholders of the hundred and odd Acres in **Stowe**; and the Landholders of **North delf pingle**: And that the ſaid Landholders *&c.* ſhall be thereupon, free from any charge toward **Popham Ee.**

Upon this view, it was likewiſe agreed; that the River from **North delf** to *Mathew Bales*, and *xl* pole lower, ſhould be made *xxx* foot wide; which was done accordingly.

The next year following, at a Seſſion of Sewers, held [w] at **Stow bynke**, in *com. Noff.* upon the *xx* of *May*, it was thus ordered by the Commiſſioners, that the Undertakers and their heirs ſhould have power to drayn all the grounds mentioned in the Act of 4 *Jac.* (formerly mentioned) through the Pipe called **Coldham** gote, which lyeth under the Bank of **Elme** leame; and ſo through a piece of ground, lying between the ſaid Leame, and a Bank leading from **Fryday** bridge to **Biſhops dike**; and ſo till it come over againſt a Dike between the lands in **Oldfield** and **Needham**: Thence betwixt the lands in **Oldfield** and **Say's field** on the one ſide, and **Needham** bank and **Thorne-dike** on the other ſide; and ſo to **Old lode**, called **Chapell lode**; Thence through **Greendike**; Thence to the Bridge neer **Beaupre Hall**: Thence to **Stonhamſtile**, and ſo to **Boys fen** gate: Thence unto **Bedingfield** Barrs, and ſo to **Hook gate**: and thence to **Staple were** at the Bank of **Duſe.**

w Ib. f. 226. a. 20 *Maii.* 9 *Iac.* an. 1611.

This was called **Coldham** and **Walterſey** Law. In purſuance [x] whereof the Dikers ſet upon the work, upon the *Wedneſday* then next following.

x Ib. f. 299. b. 2 *Aug.* 9 *Jac.*

And upon the ſecond of *Auguſt*, the Maſons began [y] the Pipe under **Uuelle** River, which was finiſhed upon the *Tueſday* after *Michaelmaſs* day.

y Ibid.

After which, within a few dayes (*viz*, on *Fryday* enſuing) the Maſons began [z] the Sluſe at **Stow** for **Coldham.**

z } Ibid. a }

And upon *Saturday*, being the *xxi*th of *September*, the Commiſſioners took [a] view, for Mr. *Bell*, in **Stowe** and **Uuelle**, for the low grounds between **Popham** lode, and the new **Pow-dike.**

a 21 *Sept.* 9 *Iac.*

All things therefore ſpeeding on ſo well, upou *Thurſday* following (it being the *xxvi* of *September*) in a Seſſion [b] held at **King's Linne**, in the County of **Norfolke**, there was another Law of Sewers made, called **Low fen**, and **Uualſingham** fen Law, the tenor whereof is as followeth, *viz.*

of the great Level.

26 S*p*.
b Ib. f. 299. a.

Whereas there are about 1300 Acres of low grounds, lying together in the ſeveral Pariſhes of **Upwell** and **Outwell** in the County aforeſaid, between **Popham** River on the South, and the Bank called **Bardyke** and **Churchfield** dike on the North, and **Outwell** Creſt towards the Eaſt, which are preſerved from overflowing by the ſaid Creſt, and by the Bank on the North ſide of **Popham** river aforeſaid; which low grounds may be drayned *&c.* And that the repairing of the ſaid Creſt, and of the North Bank of **Popham** River will be a defence to the new **Powdich**, and a great preſervation to the Countrey of **Marſhland.**

And whereas the drayn from **Plawfield**, in **Upwell**, to **Hodghyrne**; and there falling into **Rightforth lode**, and thence, by a Sluſe neer **Stow bridge** into the River of **Duſe**, is very defective *&c.* which being repaired would be ſufficient to drayn all thoſe low grounds: We do ordain and decree *&c.* that it ſhall be lawfull for the Landholders and Commoners of and in the ſaid low grounds *&c.* to drayn them through the ſaid Sewer.

And we do farther ordain, that the ſaid Sewer from the ſaid Sluſe to a place called **Weſt head** ſhall be diked *&c.* ten foot broad in the bottom, at the leaſt; and in depth proportionable *&c.* And from thence to **Uuelle river** *x* foot broad, and 5 foot deep, and the greater part of the menure to be caſt on the South ſide of the ſaid Lode, from **Uueſt head** to the Eaſt end of **Hodg hirne**, for the making of a ſufficient Creſt to hold the waters within the brink thereof.

And that there ſhall be placed in the North end of **Churchfield** dike, in **Outwell**, a Sluſe of Brick with a tunnel of two foot broad, and three foot high, with

For the general Drayning

with a dore to be pulled up & ſhut *&c.* And from the ſaid Sluſe a Drayn or Sewer to be made under **Churchfield** dike on the Eaſt part thereof, to the North end of **Champney-Corner**: And from thence to continue the ſame Drayn, in an antient Dike, between **Dutwell** Common on the North *&c.* to **North delph**.

8 *Oct.* 9 *Jac.* Anno 1611. c lb. f. 200. a.

Upon c *Tueſday* (being the 8th of *October* following) in the night tide, the Dam made by Mr. *Hunt* for **Coldham**, a little below **Stow** bridge, broke up; and on *Wedneſday*, being inwardly taken with a little light Moor, broke again: So likewiſe on *Thurſday*, being taken with earth between Planks ſet end-wiſe, it brake again; and continued running till *Sunday Oct.* 13. At which place there aſſembled that day, Sir *Raphe Hare* and ſix other Commiſſioners; who laying the command of the work and order of it upon Mr. *Richard Hunt*; he, with the aſſiſtance of the Country, took it in hand, and made it firm before the return of the next Tide.

of the great Level.

But as we ſee by how little was done in this and moſt of the precedent years, that the general Drayning went but ſlowly on, notwithſtanding the King himſelf, as alſo the Lords of the Council, and thoſe Gentlemen who were conſtituted Commiſſioners for that purpoſe, had ſo earneſtly endeavoured the ſpeeding thereof; ſo was there now ſuch a ſtop, for the ſpace of five years at the leaſt, that there nothing appeareth of conſequence to have been farther proſecuted therein, by reaſon of the oppoſition which divers perverſe ſpirited people made thereto, by bringing of turbulent ſutes in Law, aſwell againſt the ſaid Commiſſioners, as thoſe whom they imployed therein, and making of libellous Songs to diſparage the work; of which kind I have here thought fit to inſert one, called the *Powtes Complaint.*

COme Brethren of the water, and let us all aſſemble,
To treat upon this matter, which makes us quake and tremble;
For we ſhall rue it if't be true that Fenns be undertaken,
And where we feed in Fen and Reed thei'le feed both Beef and Bacon.

Thei'l ſow both Beans and Oats, where never man yet thought it,
Where men did row in Boats ere Undertakers bought it:
But, Ceres thou behold us, let wilde Oats be their venture,
Oh let the Frogs and miry Boggs deſtroy where they do enter.

Behold the great deſigne, which they do now determine,
Will make our bodyes pine a prey to Crows and Vermine:
For they do mean all Fenns to drain and waters overmaſter,
All will be drie, and we muſt dye 'cauſe Eſſex-*Calves want paſture.*

Away with Boates and Rodder, Farewell both Bootes and Skatches,
No need of t'one nor t'other, men now make better matches;
Stiltmakers all and Tanners ſhall complain of this diſaſter;
For they will make each muddy Lake for Eſſex *Calves a paſture.*

The fethered Foules have wings, to fly to other Nations;
But we have no ſuch things to help our tranſportations;
We muſt give place (oh grievous caſe) to horned Beaſts and Cattell,
Except that we can all agree to drive them out by Battell.

Wherefore let us intreat our antient water Nurſes,
To ſhew their power ſo great as t'help to drain their purſes;
And ſend us good old Captain Floud to lead us out to Battel,
Then two-peny Jack, *with Skakes on's back will drive out all the Cattel*

This noble Captain yet was never known to fail us,
But did the Conqueſt get of all that did aſſail us;

His

For the general draining

His furious rage none could aſſwage, but to the worlds great wonder;
He bears down banks and breaks their ranks and whirly-giggs aſunder.

of the great Level.

God Eolus *we do thee pray, that thou wilt not be wanting;*
Thou never ſaidſt us nay, now liſten to our canting:
Do thou deride their hope and pride, that purpoſe our confuſion;
And ſend a blaſt, that they in haſte may work no good concluſion.

Great Neptune *(God of Seas) this work muſt needs provoke thee;*
They mean thee to diſeaſe, and with Fen-water Choake thee:
But with thy Mace do thou deface and quite confound this matter,
And ſend thy Sands to make dry lands when they ſhall want freſh water.

And eke we pray thee Moon, that thou wilt be propitious
To ſee that nought be done to proſper the malitious;
Though Summers heat hath wrought a feat, whereby themſelves they flatter,
Yet be ſo good as ſend a floud leſt Eſſex *Calves want water.*

Upon great complaint therefore of theſe their doings, made to the Lords of the Council, I find this Order [f] made by them, bearing date at **White Hall** upon the 8th. of *November*, in the *xiiij*th. year of the ſaid King's Reign; *viz.*

[f] Ib. f. 237. a. 8 Nov. 14 Jac. An. 1616.

That whereas ſundry vexatious ſutes had been brought againſt his Majeſties Commiſſioners of Sewers and their Officers by divers obſtinate perſons, for executing the Orders *&c.* of the ſaid Commiſſion, to the great hazard of the inundation of many large Levells in the Counties of **Nozth. Hunt. Camb.** and **Linc.** That the ſaid Lords, well weighing theſe undue proceedings, and the antient Laws of this Realm, evidenced from divers notable Records in the very point queſtioned; as alſo the continued practice of antient and latter times; and likewiſe the opinion in writing of the Lord Chief Juſtice *Popham*, upon the Queſtions touching the Authority and power of the ſaid Commiſſion; *viz.* firſt whether the ſaid Commiſſioners have Authority to cauſe new Banks, Drayns, or Sluces to be made, where none have been before.

Secondly, whether they may lay a Tax upon any Hundred, Town or the Inhabitants thereof in general, and not impoſe it upon every particular man, according to the quantity of his land or Common. Thirdly, whether they may commit to priſon ſuch as diſobey their Orders *&c.* and Fourthly, whether that Actions of falſe Impriſonment, Treſpaſs, and other Proces at the Common law, have been brought againſt the Commiſſioners or their Officers for executing their Decrees, Orders *&c.*

Their Lordſhips finding in their wiſdomes, that it can neither ſtand with Law nor Common ſenſe, that in a caſe of ſo great conſequence the Law can be void of providence, to reſtrain the Commiſſioners in making new works, aſwell to ſtop the fury of the waters, as to repair the old, where neceſſity requireth it for the ſafety of the Countrey; or to raiſe a charge upon the Towns or Hundreds in general, which are intereſſed in the benefit or loſs, with attending a particular admeſurement of Acres, where the ſervice is to be ſpeedy *&c.*

Or that a Commiſſion of ſo high conſequence to the Common-wealth, and of ſo antient Juriſdiction, both before the Statute and ſince, ſhould want means of coercion for obedience to their Orders *&c.* whereas upon the performance of them, the preſervation of thouſands of his Majeſties Subjects, their lands, goods, and lives doth depend: and plainly perceiving, that it will be a direct fruſtrating and overthrow to the Authority of the ſaid Commiſſion, if the Commiſſioners *&c.* ſhall be ſubject to every ſute at the pleaſure of the Delinquent *&c.*

Their Lordſhips ordered, that the perſons formerly committed by that Board

For the general drayning

Board for their contempts concerning this cauſe, ſhould ſtand committed, untill they releaſe or diſcharge ſuch their Actions *&c.* Saving nevertheleſs any complaint or ſute for any oppreſſion or grievance before the Court of Sewers, or before the ſaid Council board, if they receive not Juſtice at the ſaid Commiſſioners hands: And that Letters be written to the Commiſſioners to proceed in their ſeveral Commiſſions *&c.*

And in purſuance of this general work, the ſaid Lords of his Majeſties Council ſitting at **White Hall** the *ix*th. of *May*, then next following, orderd; [g]

Anno 1617. g Ib. f 250. b. 9 Maij. 1617.

1. That a Sluſe muſt neceſſarily be made at the out-fall of **Wisbeche** River into the Sea, at the charge aſwell of the high-Countries as the low, to be rated by the Commiſſioners of Sewers.

2. That the River of **Wisbeche**, and all the branches of **Nene** and **Weſtwater**, be cleanſed and made in bredth and depth as much as by antient Record it ſhall appear they have been; or where that cannot appear, at the diſcretion of the Commiſſioners.

3. That **Welland** be alſo ſcoured *&c.* from the out-fall to **Waldram Hall**, at the particular charge of the owners, and their Tenants: As alſo the River of **South Ea**, from **Crouland** to **Guy hirne**, by thoſe that of right ought to do it; and that till that be done, **Clows croſſe** drayn ſhall run.

4. And that things to be farther done therein be referred to a new Commiſſion of Sewers, to be procured at the indifferent charge of the Countries therein mentioned.

10 Sept. 15 Jac.

After this; *viz.* upon the *x*th. of *September*, the ſame year, in a Seſſion of Sewers held at **Wiſebeche**, before *Francis* Lord *Ruſſell*, and other his Majeſties Commiſſioners, it was (*inter alia*) ordered; [h]

h Ib. f. 42. 1

That **London lode** ſhould be dam'd up at **Welle**-Cauſey; and that **Popham Ea** be made a perfect Sewer, with Banks on both ſides, according to a former law, for height bredth and ſtrength, and ſo continued for ever. And that ſo much charge, as the charge of the Banks on both ſides of **London lode**, and of the lode it ſelf, whereof they are diſchardged, by this Order ſhall be imployed upon the making and maintaining of the Banks and Sewers of **Popham Ea**, the ſame to be rated by the Commiſſioners of Sewers.

of the great Level.

And that the ſaid Commiſſioners ſhall alſo conſider what charge is to be impoſed on thoſe, who by the old law were chargable towards **Small lode**, and to allow the ſame upon **Popham Ea**, *&c.*

Whereupon Sir *Henry Hobart* Knight, then Lord Chief Juſtice of the Common Pleas, being then adviſed with, and likewiſe aſſiſted by divers of the Commiſſioners of Sewers, delivered his opinion [i] touching this Drain called **Smal lode**, as followeth; *viz.*

11 Nov. 15 Jac.

i Ib. f. 238. 2.

1. That it is an old forſaken Sewer, not known within the memory of man to have been in uſe, and ſo grown up, that the very tract thereof is not in many places diſcernable; and that it is alſo uncertain whether the proper out-fall thereof ſhould be towards the **Ouſe** (as an exemplyed Law of 39. *Eliz.* appointeth it) or to **Wisbeche** River, as ſome Preſentments, much more antient, do declare it.

2. That the ſcouring thereof hath antiently belonged to the owners of lands adjoyning (now pertaining to *Sinolphus Bell* Eſquire and others) but for the reaſons aforeſaid not put in charge till the ſaid Law of 39. *Eliz.* ordaining it to be opened, and to have its fall by the new **Powdich** into **Ouſe**.

3. That by a Law made *ix. Jac.* grounded upon a view and open debate in Seſſions, it was ordained to be dam'd up, as unneceſſary.

4. That **Popham Ea** (though a new Sewer) is of ſuch uſe, in reſpect of its largeneſs, and ſituation, that it alone ſufficeth (as many think) both to diſcharge the waters deſcending thither from the high Countries, and thoſe

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also of the grounds drayned by **London** lode, that there is no use of this **Smal** lode.

5. That therefore those lands adjoyning (which belong to the said *Sinolphus Bell* and others) be discharged from its repair *&c.*

Reasons confirming this opinion.

So long as the outfall of **Wisbeche** had its perfect being, the whole River of **Ouse** had there its perfect outfall, from whence the Town seemeth to have taken the denomination; *viz.* **Ouse** or **Wisebeche**. Thither then came the first Branch of **Ouse**, from **Erith**, by the course now called the **West water** to **Benwick**; where meeting with a part of **Nene** (which then was very small, the greatest passage being, in those days, by **Crouland**, **South Ea**, **Wride** stream, and other Courses about **Thorney**) fell together by **Great Crosse** or **Plant-water**, to the North Seas at **Wisbeche**. The other part at **Ouse**, being the second Branch, fell down from **Eryth** to **Parrymere**, and there meeting with the River **Grant** from **Cambridge**, passed so united to **Ely**; thence to **Litleport Chair**, and so by **Welney** and **Welle** to the said North Seas at **Wisbeche**, where it met with the former Branch from **Benwick**.

Then, as it seemeth, there was no River between **Litleport Chair** and **Rebbech**, which is a place by **Priests houses**, where **Ouse** *parva* or **Brandon** water, falleth in: But divers Lodes, Lakes and Dikes; at **S.** *Edmunds lode*, **Gnat lode**, and **Docky lode**, which took their natural fall into a great Meer by **Welle**, called the **Wide**; and from the **Wide**, by divers tracts, as **Webwinch lake**, **Aldy lode**, old **Smal lode**, **Cheselbeche**, **Warbeche lode**, **Small lode**; and so into the River at **Upwell**; and thence, with the same Branch from **Litleport** to the North Seas at **Wisbeche**.

But **Wisbeche** outfall decaying; and the passage of **Nene** by **Crouland**, likewise failing, through the decay of of **Spalding** River, and other hinderances; the **Westwater**, or first branch of **Ouse**, with **Nene** united, waxed weak in the passage, and so fell down by **Marche** to **Welle**; and not finding passage by **Welle** at **Shrewes nest** point, the most part thereof turned back again to **Litleport**, by the old forsaken second Branch of **Ouse**, and holdeth that course to this day.

of the great Level.

This second Branch of **Ouse**, with **Grant** united, lying hereby debarred of passage by **Wisbeche**, means was made to let it fall from **Litleport-Chair** to **Rebbech**, by a lode, which at the first seemed to be called **Hemmings Ea**, and so in **Ouse** *parva's* Chanel, passed to **Salters lode**, and thence to **Lynne**; whole Chanel, not long before that time, was not above six pole wide, being then by due presentment said at that time to be both insufficient for the Haven and Vessels thither resorting by the inlet of the Salt water; and large enough to passe away the fresh, as by the proceedings of a fair Commission thereof, in An. 1378. may appear. (2 R. 2.)

Then began the waters from above **Welle**, and all thereabouts, to seek their passage by that Tract to **Lynne** (**Wisbeche** Chanel, and so as low as the **Crosse Keys**, which was over the face of the Marshes betwixt **Welle** and **Wisbeche**, and so downwards towards **Tirington**, utterly thereby decaying, as to this day may yet be seen) But the people of **Marshland** finding themselves overcharged by these waters, upon complaint made to King *Edward* the first, obtained a Commission An. 21 *Edw.* 1. to have the waters of **Welle** (which antiently had their outfall by **Wisbeche**) to be brought and carryed *in debitum & antiquum cursum &c.* Then were there three stopsmade; *viz.* the first at **Fendike** about **Upwell** Towns end (neer where **Popham lode** Sluse now standeth) 2d at **Small lode** bridg, and 3 at **Outwell** bridg; and order taken for opening of the River from **Welle** to **Elme** floudgates, upon the Confines of both Counties, at the costs of the people of the Isle, and of **Marshland**, indifferently.

To

For the general drayning

To ſhew that the River of **Duſe** *had its outfall at* **Wisbeche**, *beſides what is before expreſt.*

1. The Sea-banks from **Welle** to **Wisbeche.**

2. **Wisbeche** Caſtle founded *ſuper flumen illud famoſum, quod* **Wel ſtreme** *appellatur.* [*Regiſt. de Petroburg.*]

3. ——*Situm eſt prædictum Caſtrum quod à pluribus paludibus & rivulis & fontibus principium habet, & per longos meatus in mare magnum juxta* **Wilbeche** *derivare liquidè comprobatur.* [*Regiſt. de* **Thorney** *parte* 3ª. *p.* 34.]

4. The people of K. *John* periſhed in the waters of **Welle.**

That there was ſometime no River between **Litlepoxt Chaire** *and* **Rebbech.**

1. a Record vouched by Mr. *Hexham* Surveyor to *Philip* Earl of **Arundell**, the tract of the River being of a clean contrary nature; *viz.* more ſtraight than any of the **Duſe** in all the Fens from **Ely** to **Wisbeche.**

2. The impoſing of the name of **Heming's lode** in the Deſcription of **Rack fen** in the words of the Record; *viz. à le Chaire per* **Heming's lode** *uſq;* **Gnat's lode** end.

That the waters of the Iſle ſhould not, nor of old did fall down from **Welle** *upon* **Marſhland** *Eaſtward; nor into* **Welle** *Fens in* Norff.

1. See the Commiſſion *de anno* 21 *E.* 1.

2. See the Leet Rolls *de anno* 29 *E.* 1. *pro* **Wadingſtow** *fracto, in hiis verbis; Reginaldus de Burgo fregit obſtupationem de* **Wadingſtow**, *factam per Breve domini Regis, & reverſit aquam extra rectum curſum ſuum ad magnum dampnum & nocumentum totius patriæ; ideo in miſericordia iii s.*

See there ſome others amerced for the like; and in the next Leet, how their Pledges were amerced, and the Offenders commanded to be attached.

3. See in the Rolls of **Upwell** Leet 12 *E.* 2. *in fine*, divers amerced for breaking or hurting the Banks of the Fenn, called the **Fendike**, between **Welle** and **Wellenhe**; and many Preſentments to prove that there were Banks from **Upwell** to **Wellenhe**; and that they ſhould not be broke nor cut, nor the water turned into the Fens neer **Marſhland.** of the great Level.

4. See the ſtopping of the waters of **Welle** from falling upon **Marſhland**, upon the Complaint of **Marſhland** men made to the King, by whoſe Commiſſion they were ſtopped at **Outwell** brigge, at **Small lode** brigg, and at **Fendike** lake in **Upwell**, and at a place neer the Sluſe at **Upwell** Towns end, on **Popham lode** head ſometimes called **Wadingſtow.**

5. And upon the breach of the Dam at **Smal lode** bridg (by means of a Complaint of **Marſhland**-men) ſee a Commiſſion ſent down in 25 *E.* 1. to enquire of the Malefactors, and to puniſh them expreſſly, for breaking **Small lode** dam, and a Writ of Attendance directed to the Sheriff to that purpoſe.

6. And that **Small lode** dam, was according to this Commiſſion made and fortified again, appeareth plainly by divers Preſentments and puniſhments ſet forth in the Leet Rolls of **Upwell** after thoſe days; only one of 12 *E.* 2. ſhall ſuffice, *viz.* —— *Et dicunt, quod* Walterus Jollyff *conſuetus eſt trahere batellam ſuam ultra eſtupationem factam per Breve Domini Regis apud le* **Little lode**, *per quod dicta obſtupatio deterioratur; ideo in miſericordia ii s.* See there, 4 or 5 more amerced for the like: And that there were Banks from **Upwell** to **Welleney** aboard the great river kept, that the water ſhould not fall into the Fens on **Norfolk** ſide; may be proved by very many Preſentments, almoſt in every Kings time ſince *Edward* 1. to K. *James*; *viz.* in 1, 2, 22, 23, 24, 25, *E.* 1. 2 *E.* 2. 12, 15, 16, 18 *E.* 2. 3, 4 *E.* 3. *&c.* 2 *R.* 2. *&c.*

I will only add one more old Record to prove that the waters of the Iſle ſhould not fall into the Fenns on *Norff.* ſide, An. 24 *E.* 1.

——*Juratores dicunt, quod* Adam Noach *cidit communem draviam per medium, juxta* **hold Wellen bee**, *per quod*

For the general drayning

curſus magnæ ripariæ, & hold Wellen hee *tranſverſus eſt ex recto curſu verſus mariſcum, ad grave nocumentum totius Communitatis; ideo dictus* Adam *in miſericordia xii d.* And in the Leet following his Pledge was amerced and pained to have it amended; and he himſelf diſtrained to anſwer to it.

So that, where it is here ſaid (and in many other places alſo) that the ſtr eam of the great River of Wellenhee was turned out of his right courſe by cutting the Fendikes or Droves; in this Preſentment and ſome others it is ſaid; that the water was turned into the Fen; ſo as to go out of the right courſe into the Fen, proveth plainly that there was no Watercourſe through the Fen for the water to paſſe by.

And in *An.* 1 *Mariæ* it was thus preſented ——*Et quod nulla perſona abſcindet Calcetum in aliquâ parte ejuſdem, ſive aliquorum aliorum Calcetorum* &c. *ſub pœna forisfacturæ pro quolibet tempore ſic factum vi s, viii d.*

And in the Convocation for Cowſtowe .... the Jury ſay thus;

——*Dicunt etiam, quod antiquo tempore, antequam aquæ Mariſci deſcendebant verſus* Wigenhale, *Sed poſtquam aquæ mariſci deſendebant verſus* Wigenhale *nunquam fuit dictum foſſatum aliqua ſalvatio* &c.

Whereby it appeareth, that antiently the waters of Upwell did not fall down towards Wigenhall, and ſo by Lynne.

That there was a Mere in Welle, *called the* Wide.

h Penès Dec. & Cap. Eccl. cath. *Peterb.*

Robert de Swaffham in his Hiſt. h of the Foundation of Peterborough under the title *De geſtis Inclitimilitis Herewardi*, ſaith; that *Hereward* fleeing *William* the Conqueror, *cum navibus ſuis, quas habebat benè armis munitas* &c. *in quoddam mare* Wide *vocatum, juxta* Welle *ſeceſſit, magnum & ſpacioſum lateribus aquarum, & liberos exitus habens.* The name and tract of which Meer yet remaineth in the Fens of Upwell, Wide lode being ordained to be clenſed by the ſame Law that Small lode was.

That the waters had their courſe from Gnat lode *towards* Welle.

of the great Level.

The tract to this day ſheweth it: for the Preſentment by which Small lode is ſo much urged, ſaith; that Gnat lode *incipit apud* Hawkyns bytght, *& durat uſq;* Fowlodes end. The Croſſe end of Gnat lode was Dockylode, which fell into Widelode: and in the ſame Preſentment it is ſaid, that Wide lode was in length a mile and a half, and *xv.* furlongs; and that old Small lode *incipit à* Wide lode, and continued towards Welle to a place, of late called Croſſe-water againſt *Nurſes viii* acres end, by the ſpace of half a mile and half a furlong; and there fell into Cheſelbech e lode, *alias* Small lode, and from *Seman's* goole came into the River a little below Upwell Church.

The extent of Widelode

Other Branches there were, all tending their courſe towards Welle, and ſo to the North Seas, at Wisbeche; as Welbwinche lake, Well meere, Audley lode, Wiabeche lode, Cheſebeche lode, Twane lode, Saltham lake &c. as may ſeem by the tracts of many of them in the Fens of Welle.

So much be ſpoken touching the old courſe of the River of Duſe, and of the other Lodes and Meers; which, by reaſon that the outfall at Wiſebeche hath been, for a long time, much choak'd up with ſilt, are not now well known to the vulgar; and therefore I have thought it not impertinent to leave this memorial of them to poſterity.

I now return to the general Drayning.

Upon the *xxiiij* of *February*, in the ſaid 15 year of King *James*, there was a Seſſion of Sewers held at Huntendon, and theſe following Decrees then 1 made, *viz.*

24 *Feb.* 15 *Iac.* An. 1617.

1 Ex bundello Decretorum in Officio vocato the Pettibag.

1. Firſt, that the great River of Wiſebeche, from the Sea to Wisbeche bridg; thence to the mouthe, and ſo to Gyhynne Croſſe, be clenſed to the antient bredth and old bottom; *viz.* from the Sea to the Mouth, by the Hundred of Wiſebeche; thence to Guyhynne Croſſe by the Biſhop of Ely

For the general drayning

Ely, before the xx^th. of *June* then next ensuing, upon pain of 3^s. 4^d. for every perch not perfected, by that time.

2. That **Yoxton's leame** be accordingly scoured *&c.* from **Guy hyrne** Crosse to **Midsentre** by the Hundred of **Wisebeche**, for their Common in the **High Fenn**; thence to **Mussdyke** by the Inhabitants of **Wittlesey**; thence to **Stanground staffe**, by the heirs or assigns of Sir *Anth. Mildemay*, before the xx^th. of *July* next, upon the like penalty.

3. That the **Old Ea**, from **Clay lake**, unto **Middle bonce** hard, at **Bull dyke** end, neer **Peterborough**, be in like sort clensed *&c.* by the Dean and Chapter of **Peterborough**: Thence to **Thorney** Cross by the Lord of the **Cokenary** of **Wittlesey**, or the fermour thereof.

4. That the Sewer, called **Catts water**, from **Thorney** Cross, to **Fynset** Cross, be clensed *&c.* by the Lord *Russell*, or his Tenants for the Lordship of **Thorney**, on the East side; and on the West side by the Bishop of **Peterborough**. And to **Tooth willow**, thence to **Henny dyke**, and **Perkyns coat**, by the said Lord *Russell*, before the xx^th. of *Aug.* next.

5. That **Thorney** water, from **Blackslile** to **Thorney** gote, and thence to **Powtethed**, and so to **Wryde** ware, by the said Lord *Russell* his Tenants *&c.* From **Wryde ware** down **Wryde** lake unto **High fen dyke**, by the Commoners in **Wisbeche** high fen, before the said xx^th. of *August*.

6. That the River called **High fen dyke** and **South Ea** (being also a branch of Ivel) be scoured *&c.* from **Guyhyrne crosse** unto **Clow's crosse**, in bredth *xl.* foot, and depth six foot, by the Towns of **Wisbech**, **Leverington**, **Newton**, and **Tyd S. Giles**: And from **Clows crosse** to **Hallgates** by the Landholders of **Sutton**, *cum membris*, and **Tyd S. Maries**, their Tenants *&c.* on the North part; and the Lord of **Throkenholt** on the South, before the said xx^th. of *August*.

7. And from **Hallegates** to **Goldyke** by the Inhabitants and Landholders of **Gedney** and **Sutton** *cum membris*, so far as their limits extend, on the North part: and by the Inhabitants *&c.* of **Sutton** *&c.* wholy on the South part. And from **Goldyke** to **Dowsedale**, on the North side by the Inhabitants *&c.* of **Whaplode**, **Holbeche**, **Flete** and **Gedney**, every Township so far as their particular limits extend: And on the South side, by the Lord and Owners of **Thorney** *&c.* And from **Dousedale** to **Romans land** on the North side, at the Prince his charge, for his lands in **Crouland**; and on the South, by the Lord of **Thorney**.

Of the Ivel.

8. And that the River of **Weland**, from the Sea to **Crouland**, and thence to **Stamford** bridge, be sufficiently clensed *&c.* before the 20th. of *June* aforesaid.

And that the out-ring banks, from **Dousdale** to **Crouland** (in length 4. miles) be amended, at the charge of the Prince; or his Tenants of **Crouland**. And the Bank from **Crouland** to **Clout house** (3. miles in length) be amended, at the charge of the said Prince: That *Lx.* Rods thereof be repaired by *Rob. Chapman* Clark; and several other small proportions of it by other mean persons.

9. And whereas the two Rivers of **Ouse** and **Grant** do pour down so much water, that the Chanel below **Parrymere**, where they unite, cannot contain the same; but hath been supplied by the Sewer called the **Old Ea**; and by another Sewer, called **Padnall lake**: which Sewers being crooked and narrow, were almost grown up; and that the Commissioners for supplying the said defects, had make two Laws of Sewers; the one dated 9. *Junij* 1609. the other the 8th. of *Aug.* in the said year; and thereby appointed two larger Sewers, neer the said places, and much streighter than the former: and beginning the same, did perfect 800. perches thereof; but then being disturbed by contentious people, could not go on: They therefore ordained, that the said works should be again proceeded in, till they were perfected.

10. And they farther ordained; that the said River of **Ouse**, from **Parrymere**, upwards to **Overcote**, should be clensed, by those that of right ought to do the same, before the 14th. of

For the general drayning

Fuly enſuing, to the antient bredth and old bottom.

11. And that the great and main arm of **Duſe**, called the **Weſtwater**, deſcending by **Erith** brigg, on the Weſt part of the Iſle of **Ely**, ſhould be clenſed *&c.* to **Benwick**, in ſuch manner as aforeſaid. As alſo a Branch thereof called **Sutton lode**, from the ſaid Weſt water, to the outfall thereof into **Welney** water. So likewiſe **Duſe** diſhe (another Branch of the ſaid **Weſt water**) falling out of the ſame between **Hollwood** and **Oldſtaffe**, and ſo unto **Sutton** weads. And that **Chatterys** new Leam falling out of the ſaid Weſt water ſhould be ſcoured beneath **Chatterys ferry**, to **Key's** Corner; ſo to **Chatterys** Town; thence to **Dodyngton** park; thence to **Wymblyngton** hoke and **March** ſtream; thence by **Elme** leame, unto **Elme** Town; and ſo to **Wiſbeche** great River.

12. Alſo that **Ea hynke** in **Elme**, from **Fryday** bridge unto the Town Dam, be made as high and ſenſible as other Banks adjoyning, by the Landholders of **Redmore**. And that **Mayde lode**, and **Shiplode**, extending from **Welney** water unto the main River of **Duſe**; And likewiſe **London lode**, lying on the other ſide of the *Londoners* grounds, and falling from the ſaid water of **Welney** unto **Wel Creeke** *&c.* be ſcoured *&c.*

13. So alſo **Darley Ea**, extending from **Welney** River, towards **Stony** ditch, belonging to the Mannor of **Dodington**; and the ſaid Sewer extending thence to **Maney Ea**, ſo to **Core** lode, and **Dalling's** ditch, and thence to **Dodington** leame.

14. And that all other Common Drayns, Lodes, *&c.* within the tract of the ſaid River of **Duſe** be opened, clenſed *&c.*

15. And it was farther decreed, that the Bank of **South lake** end, preſented to be cut by the Inhabitants of **Crouland**, to let the water of **Weland** run into **Boſtough** great fen, to the prejudice of the Commoners, and hindrance of the outfall at **Spalding**, by diverting the water out of it's antient courſe, ſhould be well and ſufficiently repaired and made by the Commoners in the ſaid Fen, before the twentifift of *March* then next following.

of the great Levell.

After this (*viz.* about the beginning of *March* following) there was a Petition * exhibited to the Lords of the Council, by divers of the Commiſſioners of Sewers, for theſe Counties, whereof part do lye within the Precincts of this **great Levell.** * Ib. f. 251. a.

Shewing what pains they had taken for two years paſt in order to the general Drayning; and made ſeveral Laws: But that Letters were come down from their Lordſhips, bearing date 20 *Jan.* for reſpiting the execution of thoſe Laws, ſo far as related to the County of **Camby.** or Iſle of **Ely**, except ſuch as concerned the outfalls of **Nene** and **Weland**, untill farther directions from their Lordſhips: So that, by reaſon of this ſtop, thoſe parts, eſpecially in the County of **Camby. Hunt.** and South parts of the Iſle of **Ely**, were like to be utterly loſt. And that this great diſcouragement to the ſaid Commiſſioners, occaſioned their Petition, that they might be left to their former liberty.

Whereupon the ſaid Lords, ſitting in Council at *White Hall*, on the *ix* of *March* enſuing, ordered [a], that their ſaid Letter of 20 *Jan.* ſhould be returned back to that Board; and that all Laws & Orders made by the ſaid Commiſſioners ſhould be in force: As alſo that ſuch of the Commiſſioners as do find themſelves grieved, ſhould give notice thereof to the Seſſion of Sewers, and agree upon a day, when both parties might attend the Council Table to be equally and fully heard, foraſmuch as by the procurement of ſome few of them, the ſaid Letters had been ſent, which tended ſo far to the diſtracting of their proceedings. [a] Ib. 252. a. 9 *Martij* 15 *Jac.*

Which Letters of the ſaid Lords occaſioned this Anſwer [b] from the ſaid greateſt part of the ſaid Commiſſioners, *viz.* that thoſe *xi* Commiſſioners, who had formerly diſtracted their proceedings, by procuring the Councils Order for reſpiting the execution of the Laws of Sewers that had been made *&c.* [b] Ibid. b. 17 *Martii.*

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&c. had again granted out Warrants, which tended to a farther diſtraction of their proceedings: and therefore they humbly deſired, that the duplicate of the Commiſſion then lately procured for **Cambridgſhire**, might be called in.

Not long after this there was a Letter [o] ſent from the ſaid Lords to the before-ſpecified Commiſſioners, importing; that by the reſult of that Board, an Order was made for a Sluſe to be erected at the outfall of **Wisbech** river; and after that ſo done, the River to be ditched: And that ſince that time, without the conſent of any of the Commiſſioners within the Hundred of **Wisbeche**, a Law was made for the ditching of the ſaid River, & that at the particular charge of the ſame Hundred, from **Wisbeche** bridge unto the Sea; but no Law for the Sluſe. And moreover, that the ſaid River, when it was laſt ditched was enlarged from *xl* foot to *Lx* foot wide, at the charge of the high lands and low Countries; and that this Law hath now impoſed upon the ſaid Hundred of **Wisbeche** the ditching thereof to its antient bredth, making no mention of the ſaid added *xx* foot.

[o] Ib. f. 253. a. 19 *Martij* 16 *Jac.*

All which conſidered, the ſaid Lords did think fit to vary from ſome points of thoſe Laws; and farther ordered, that there ſhould be a Sluſe made at the **Hoxhooe** beneath **Wisbeche**, at the general charge of all that drayn that way. And that from the **Hoxhoo** to the four Gotes, and as far further as the Commiſſioners ſhould think fit, the work to be done at the general charge, and not by the Hundred of **Wisbeche** only; in regard it is a new work and very beneficial to many Countries: As alſo that the River from the **Hoxhoo** to **Guyhirne** Croſſe, be made *Lx* foot wide, as it was the laſt time it was ditched; and at the general charge: and all Laws croſſing theſe Orders to be made void; and that the Order for making the outfalls perfect, be generally obſerved.

VVhereupon, at a general Seſſion of Sewers held at **Wisbeche** 30 *Maii* then next following, in ſubmiſſion to the Order of the ſaid Lords, it was decreed, That a ſtrong and ſufficient Sluſe of Stone and Brick ſhould be ſet up at the **Hoxhoo** beneath **Wisbeche**, at the general charge of all ſuch who were to drayn by the ſame.

of the great Level.

Ib. 253. b. 39 *Maii* 16 *Jac.*

And that, foraſmuch as by reaſon of an unexpected downfall of rain and overflow of waters, divers of the works of Sewers decreed at **Huntingdon** 24 *Feb.* 1617. had been ſo hindred, as that they could not ſo ſoon be undertaken, much leſſe perfected within the time limited by the ſaid Law; it was decreed, that all parts thereof ſhould be repealed, except what concerned **Sutton lode** (which might be perfected) And that thoſe works enſuing, mentioned in the ſaid Law, ſhould proceed and be perfected, *viz.* the River of **Ouſe**, **Sutton-lode**, **London lode**, and **Mayd lode**; and that the Decree made at **Stilton** 30 *Martii* then laſt paſt ſhould ſtand in force.

And upon the *xix* of *June* then next alſo enſuing, in farther proſecution of this great and neceſſary work, the ſaid Commiſſioners exhibited a Petition [q], to the Lords of the Privy Council.

[q] Ib. f. 242. 19 *Junii* 1618 (16 *Jac.*)

Shewing, That whereas ſundry Seſſions had been held by them ſince his Majeſties Commiſſion for Drayning *&c.* was on foot; and nothing effected through the variety in opinions of the ſaid Commiſſioners; but inſtead thereof much charges loſt, and that many parts did thereby ſuffer and undergo great danger. And therefore deſiring, that for the ſafety of thoſe Countreys ſo endangered, and prevention of farther delays, their Lordſhips would pleaſe to direct, that at the Seſſions to be held at **Peterborough**, on the laſt day of that inſtant *June*, one of the Clerks of the Council might be there preſent with them, to take a view of the Outfalls, if need ſhould require; who, as a perſon indifferent, might inform their Lordſhips of the feaſibleneſs of the work, and of the fitteſt means to effect it, without or with the leaſt loſs to any part: And that a certain and conſtant courſe might be by their Lordſhips

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Lordſhips directed, whereunto they all expreſſed themſelves willing to ſubmit.

Upon which Petition it was then ordered by the ſaid Lords, that Sir *Clement Edmunds* Knight ſhould meet the ſaid Commiſſioners at **Huntingdon**, for accompliſhment of their deſires in the view of the Out-falls *&c.*

12 *Aug.* 1618. (16 *Jac.*) And upon the *xij*th. of *Auguſt* next enſuing, at a general Seſſion of Sewers held at **Huntingdon** aforeſaid, there were appointed three Commiſſioners of every County, to accompany the ſaid Sir *Clement Edmunds* in that ſervice:

Ib. f. 246. a. b. Who accordingly performed it, and gave in this following Certificate to that honourable Board, *viz.*

Sept. 20. 1618. 16 *Jac.*

1. That the River of **Ouſe**, in time of flouds, had in former times certain Slakers, or bi-Sewers, to receive part of the water wherewith it was overchardged; whereof the **Weſt water** at **Erith** brigge was one, which now for want of clenſing falleth into the **Ouſe** (whereas it ſhould paſs from it.)

2. That the ſaid River was from **Huntingdon** to the high Bridg at **Ely**, much choaked with Weedes, and ſtopped with weres, and in divers places made ſhallow by Gravels and Fordes (which they call *Hards*.)

3. That the Haven of **Lynne** was through the violence of the Tides, and the great fall of Freſh-waters, grown much wider than it had been, to the endangering of **Marſhland**.

4. That the River of **Nene** is alſo much ſtopped and choaked up, ſo that it paſſeth not out totally at **Wiſbeche**, which is its proper out-fall; and that below **Wiſbeche** it was found, neer the out-fall, ſix foot or more higher in the bottome than it had been heretofore; ſo that whereas the Inland waters at **Guyhirne**, which had formerly 5 foot fall, were not only ſtopt; but the River fell back upon them: Whereupon a Law of Sewers was made by the Commiſſioners for the amendment thereof.

5. That a Sluſe made upon that River formerly, to the great charge of the Country, ſtood not 7. days, but was blown up by the Tides: Nevertheleſs, that it was agreed, that after the River was again clenſed to a ſufficient depth, there ſhould be a new Sluſe there erected, if need required: But as to the performance of this work for matter of charge, there was a great difference between the Town of **Wiſbech** and the Inhabitants of the Upland Countries, foraſmuch as the ſaid Town inſiſted upon a conſiderable help from them towards the charge thereof; alleging what benefit they would receive thereby.

of the great Level.

6. That the ſaid water of **Nene**, not having a free paſſage by **Wiſbeche**, but dividing it ſelf into divers parts, did great hurt by overflowing the Country about **Thorney** and **Crouland**; and that in 38. *Eliz.* there was a Drain agreed on for the paſſing away part thereof at **Clows croſſe**; which Sewer lying *x.* or *xij.* foot lower than the Level above, was conceived to be the beſt drain to regain the ſurrounded grounds on the North of **Wiſbeche**.

7. That foraſmuch as the Inhabitants of **Marſhland** complained much of their danger, by the running of **Wiſbeche** River from the 4. Gotes, by the skirt of **Marſhland**; and that if the out-fall before-mentioned ſhould be opened, whereby a greater proportion of water would paſs that way, it would be much worſe for them: It was therefore agreed, that if the ſaid River, together with the Drayn of **Clows croſſe** were carried from the ſaid 4. Gotes, by a new Cut to be made through the Saltmarſhes to an out-fall called **King's Creek**, beſides the benefit which would ariſe by drayning of their Fens, it would ſecure **Marſhland** from danger, and no way prejudice **Holland**.

8. That the River of **Weland** alſo, was from **Crouland** to **Spalding**, very defective for want of clenſing; and from **Spalding** to its meeting with **Glen** (neer to the Sea) almoſt ſilted up; inſomuch as the Inhabitants of **Spalding** complained, that by reaſon of the ſhallows thereof (which were leſs than half a foot deep 2. miles below the Town) they had not wholſome water for their neceſſary uſes.

9. Conſidering therefore theſe defects

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fects &c. before expreſſed, he propoſed to the ſaid Lords, that ſome care might be taken to open thoſe out-falls.

And though there were many Gentlemen of good worth in thoſe parts, who wanted neither zeal nor judgment to do ſervice therein; yet it was conceived, that the work might be beſt effected by ſuch as had no intereſt at all in the Country; but ſtood indifferent between all parties, and thereby levy the charge without partiality.

Whereupon enſued certain Orders,[r] occaſioned by that view of the ſaid Sir *Clement Edmunds* and thoſe Commiſſioners; *viz.*

[r] Ib. 245. a. 20 *Aug.* 1618. (16 *Jac.*)

1. That the Sewers between **Overcote** and the **Weere** be opened and ſcoured before the laſt of *May* then next enſuing, *ſub pœna* 3ˢ. 4ᵈ. *per vigam.*

2. That the **Weſt water**, with all the branches be opened and ſcoured by thoſe who ought of right to do the ſame, by *Michaelmaſs* come twelve-Month, then alſo next following, *ſub eadem pœna.*

3. That the Hill in **Humbert's** water be abated before the firſt of *November*, *ſub pœna* 5. *libr.*

4. That **Padnall** lake, from **Duſe** to the Clay way, be ſcoured *xx.* foot wide and 4. foot deep, by the firſt of *April* then next enſuing, *ſub pœna* 5ˢ. *per virgam.*

5. That **Stretham** and **Thetford** do their Draines by the firſt of *May*, *ſub eadem pœna.*

6. That **Popham Ea**, though it be reſpited, is reputed an excellent drayn; Sir *Raph Hare* and other of the Commiſſioners being appointed to view its defects.

7. That the work in **Wisbeche** River be perfected before the 20. of *Auguſt* next.

8. That a new Clow be ſet up at the charge of all that drayn thereby.

9. That **South ea** be clenſed after **Wisbech** River; and **Weland** diked.

And upon Report made to the ſaid Lords of the Council, by the before-ſpecified Sir *Clement Edmunds*, it was ordered[s] by their Lordſhips, that the Earl of **Arundell**, the Biſhop of **Winchester**, the Lord *Carew*, Mr. Treaſurer and Mr. Comptroller of his Majeſties Houſhold, Mr. Chancellour of the Exchequer, the Mr. of the Rolls, and Sir *Edw. Coke*, or any 4. of them, ſhould take conſideration of the ſtate of the buſineſs &c. and prepare ſome opinion to be delivered to the Board, of what preſent courſe might be fit to be taken therein.

of the great Level.

[s] Ib. f. 246 b. 29 *Nov.* 16 *Jac.* Anno 1618.

In purſuance of which Order the ſaid Earl of **Arundell** made a journey into theſe parts; where having treaty with Sir *William Ayloff* Knight and Baronet, *Anthony Thomas* Eſquire, and others; they the ſaid Sir *William*, *Anthony*, and the reſt, as Undertakers in this great Adventure, did, in conſideration of the pains and coſts which they were like to beſtow therein, make theſe following Propoſalls; [t] *viz.*

[t] Ibid. f. 256. a. b.

1. To have all the Kings lands, drowned with freſh or ſalt water, which ſhould be ſo recovered, at the free Rent of *iiij*ᵈ. the Acre, over and above all Rents or revenues then in being or coming to his Majeſty.

2. To have all the Prince his lands upon the like conditions.

3. To have of all Subjects lands, ſo drowned all the year, two thirds, to them the ſaid Undertakers and their heirs, to hold in ſeveralty for ever.

4. And of all ſuch lands of Subjects, which lay drowned half the year, to have the one half to them the ſaid Undertakers and their heirs.

Of which Propoſalls the King liking well, he did by his Letters,[u] to the ſaid Commiſſioners of Sewers, bearing date the 4. of *September*, in the *xvij.* year of his Reign, ſignify unto them, that the ſaid Sir *William*, and *Anthony*, with others, had undertaken to drain all the Fens in the Counties of **Camby.** and Iſle of **Ely**, **Norff. Suff. Linc. Northt.** and **Hunt.** with the good liking of his ſaid Majeſty and his acceptance of their Propoſitions; And recommended them and their deſign to the ſaid Commiſſioners, to the end they might be ayding to them in expediting ſuch Contracts as they ſhould make;

[u] Ib. 256 b. 4 *Sept.* 17 *Jac.* Anno 1619.

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and to further them therein with their Authority in all lawfull things *&c.*

And on the morrow following, the Lords of the Council, by their Letters x to the ſaid Commiſſioners of Sewers, ſignified to them; that the ſaid Undertakers did purpoſe to begin their work at the Sea, by opening the outfalls of **Nene** and **Weland**; and to make the ſame navigable to **Spalding** and **Wisbeche**, which would take away all fear of turning the water upon any neighbour Country, and draw the ſame into their true and natural Chanels; and that whatever Commiſſion or aſſiſtance they ſhould deſire to further this work, order ſhould be taken for the ſame; deſiring them to obſerve the Kings directions therein.

x Ib. f. 257. a. 5 Sep. 1619.

Whereupon, within three dayes after, the ſaid Commiſſioners met y at **Peterborough**, and in a Seſſion of Sewers then and there held, forthwith ordered

y Ib. b. Et f. 238. 8 Sept. 17 Iac. An. 1619.

That in obedience to the Inſtructions by them received from the Kings Majeſty and the Lords of his Council, the Undertakers before-ſpecified, ſhould have the free conſent and approbation of that Court to proceed with their enterpriſe, ſo ſoon as they ſhould think meet; and likewiſe their furtherance in ſuch Contracts as they ſhould make with the Lords, Owners, and Commoners intereſſed in the ſaid Fens.

And moreover; that further time, and longer dayes ſhould be given to them for perfecting their works in the Rivers of **Duſe**, **Nene**, and **Weland**, and all the Branches of them; *viz.* untill the firſt day of *Auguſt* then next enſuing, and no advantage taken of the Penalties in the Laws formerly made for effecting the buſineſs before that time.

of the great Level.

And in a Seſſion of Sewers held at **Ely** the 20 and 23 of the ſame Month of *September*, having received theſe following Propoſitions from the Undertakers, *viz.*

Ib. f. 259. a. 23 Sept. 1619.

1. That their intent was ſo to drayn the ſaid Fens and grounds, as that by their ſaid works, no perſon ſhould receive any hurt.

2. That they would from time to time maintain, and ſcour the ſame, ſo drayned.

3. That they would not receive any recompence, but where through their induſtry an increaſe of benefit ſhould be raiſed to the Owner thereof; and that after their works ſhould be perfected.

4. That if queſtion ſhould ariſe, whether any benefit were received in any particular by their induſtry, it ſhould be decided by a ſufficient and able Jury, to be named by the Commiſſioners of the County, and ſuch Jurors ſo nominated, and no others, to be retured by the Sheriff.

5. So likewiſe in the Iſle of **Ely**, by a Jury of that Iſle.

6. And that they would give ſuch recompence to thoſe, that ſhould receive hurt or damage by any of their ſaid works, as the Commiſſioners, or the greater part of them, ſhould think fit.

7. That at their own charge, they would make proviſion, that water ſhould be conveyed to ſtay at thoſe Towns (where water had before come and ſtayed) for Navigation and tranſportation, and the Townſhips afterwards to maintain it.

8. And that they would better, and not hurt, or impair the Navigation in the Rivers of **Ouſe** and **Duſe**.

And did therefore order and decree, that the ſaid Undertakers ſhould have their free conſent, and the approbation of that Court, to proceed *&c.* and that they would aſſiſt them *&c.* in their Contracts *&c.* It being not the purpoſe of the ſaid Undertakers to alter or change the ſtate of any Commons, but only to have ſuch competent part thereof, to be ſet out in ſeveralty to them and their heirs, as ſhould content them

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them for their work of Drayning the ſame; and the reſidue of every Common to remain in the ſame condition, to all intents and purpoſes, as then it did.

a Ib. f. 260. a. 14 *Sept.* 1619.

And at a Seſſion [a] of Sewers held at S. *Ives* on the morrow following, they decreed, that the tenor of the Order made at **Peterborough** 8 *Sept.* and that preſent Order, ſhould be publiſhed at every Town, Village *&c.* which the premiſſes ſhould concern in all the ſaid ſeveral Counties *&c.* before the *vi*th. of *Oct.* next then coming; to the end, that all Owners, Commoners *&c.* intereſſed in any ſurrounded grounds within the places aforeſaid, might apply themſelves to the ſaid Undertakers *&c.* for concluding their contracts *&c.*

b Ibid. b. 4 *Oct.* 1619.

On the 4th. of *October* enſuing, the ſaid Undertakers ſent their Letters [b] to the Commiſſioners for **Norfolk**, ſitting at a Seſſion at **Illington**, excuſing their not wayting on them ſooner; and, incloſing the Copies of thoſe Letters of the King and the Lords of the Council to them, deſired; that the ſame might be communicated to their Neighbours, together with their Propoſalls; to the end that they might be the better prepared for contracting with them: As alſo that they might have a meeting with the ſaid Commiſſioners of **Norff.** at **Cambridge**, on *Wedneſday* the *xiij*th. of *October* then next enſuing; and in the mean time that they would cauſe theſe Letters of the King and Council to be publiſhed in their Churches *&c.*

c Ib. f. 261. a. 15 *Oct.* 1619.

And upon the *xv.* of *October* following, in a Seſſion [c] of Sewers at **Huntingdon**, the ſaid Commiſſioners, reciting their proceedings at ſeveral Seſſions of Sewers, held before that time, in purſuance of the Kings direction; and for the better expediting of the work, decreed; that for and towards the opening of the antient out-falls of **Nene** and **Welland**, and all other neceſſary works for drayning of the ſaid grounds *&c.* every Acre of the ſaid drowned grounds in thoſe Counties of **Nozht. Hunt. Linc.** and **Norff.** ſhould be taxed at *xx*s. the Acre, to be paid by the owners thereof before the 7. of *Dec.* then next coming, unto *Thomas* Biſhop of **Peterborough**, Sir *Francis Fane*, Sir *Rob. Bevill &c.* (and others by this Decree named) to remain in their hands, to be ratably paid over to the ſaid Undertakers, their heirs and aſſignes, after their work of Drayning ſhould be done whole, or in part. And that for want of payment thereof at the dayes and times appointed, the ſaid Commiſſioners ſhould in a full Seſſion of Sewers to be held the 21. day of *Dec.* following, at **Peterborough**, allow and ſet forth ſuch portion of the ſaid ſurrounded grounds, for which the ſumms aforeſaid were not paid, unto the ſame Undertakers their heirs and aſſignes, in recompence of the ſaid drayning, as ſhould ſeem juſt *&c.* unto them; which ſhould be enjoyed *&c.* accordingly.

Of the great Level.

And that after the ſaid work of drayning ſhould be perfected, and adjudged ſufficiently done, by the ſaid Commiſſioners, at a general Seſſion for that purpoſe; a competent proportion of land to be reaſſured by the ſaid Undertakers and their heirs or aſſigns, for the perpetual maintaining of the ſaid works.

And laſtly, that Copies of this Order ſhould be publiſhed by the Sheriffs in the ſeveral Counties *&c.* where the ſaid draining was.

But notwithſtanding all this, the work did not go on ſo effectually as the King deſired, which occaſioned a Letter [d] from the Lords of the Council to the ſaid Commiſſioners of Sewers, (bearing date the 5. of *December* enſuing) whereby, taking notice of the many attendances upon them by the Undertakers in ſeveral Seſſions of Sewers, and yet that little progreſs had been made therein; they deſired them again to affoard their effectual aſſiſtance for removing of ſuch difficulties, as might hinder an undertaking of ſo great an hope, nothing now reſting but the putting of their own Orders in Execution for advancement of the ſame.

d Ib. f. 263. a. 5 *Dec.* 1619.

Whereupon, the Commiſſioners

For the general drayning

* Seſſion of Sewers at Spalding 16 Dec. 17 Jac.

† Ex abundanti Decretorum in Officio nuncupato the Petitory.

ſitting at **Spalding** * upon the *xvi*th. day of the ſame Month of *December*, reciting the Decree made at **Huntendon** in the Seſſion of Sewers held there upon the *xv*. and *xvi*. of *October* preceding, and taking notice, that no money of the ſaid Tax of *xx*s. the Acre had been paid, as was then ordered; did judge † and decree, that from and after the ſaid worthy work of Drayning the ſaid Fens and ſurrounded grounds, in general before-mentioned, or thoſe particulars hereafter mentioned, or any of them reſpectively, in that County of **Lincolne**, ſhould by Gods help be well and truly accompliſhed by the ſaid Undertakers, their heirs or aſſigns, at their own proper chardges and expences; and ſo adjudged and approved by ſix or more Commiſſioners of Sewers, commorant and reſiding within the part of **Holland**, for thoſe works that ſhould be done in thoſe parts of **Holland**; and ſix or more Commiſſioners of Sewers, commorant and reſiding within the parts of **Keſteven**, for thoſe which ſhould be done in the ſaid parts of **Keſteven**; then and from thenceforth they the ſaid Sir *William Ayloffe* and Sir *Anthony Thomas*, being the Undertakers before-mentioned, their heirs and aſſigns, ſhould have, hold and enjoy the parts and portions of the Fens and grounds, uſually and hurtfully ſurrounded, and by them undertaken to be drayned reſpectively, as followeth; *viz.* whereas the Earl of **Exeter** then had a third part of the Fens called **Deping**, **Spalding**, and **Pinchbeck** South Fenns, and of **Goggiſland** belonging to **Croweland** by contract heretofore made with Captain *Thomas Lovell*, for the Drayning of the ſaid Fens: which notwithſtanding being not performed the ſame Fens then remained drowned; that therefore the ſaid ſeveral Fens, called **Spalding** and **Pinchbeck** South fen, and **Deping** fen, and **Goggiſland**, together with that part of the ſaid Fens and grounds in the occupation and tenure of the ſaid Earl, or his Tenants, ſhould be all entirely and wholy ſurvayed and meaſured by two ſeveral Surveyors, whereof one to be named by the ſaid Sir *William Ayloff* and Sir *Anthony Thomas*, the ſaid Undertakers, their heirs or aſſigns, and the other by ſome ſix Commiſſioners of Sewers of **Holland** and **Keſteven**; and the whole content and number of Acres to be exactly taken and caſt up, and thereof the ſaid Sir *William* and Sir *Anthony*, their heirs or aſſigns, to have ſo much of the ſaid Fens, then lying open and in Common, as together with the ſaid ſeveral grounds in the tenure and occupation of the ſaid Earl, ſhould amount unto and extend to a moity or half part of the whole content of all together, to be proportionably taken out of the ſaid ſeveral Fens; *viz.* one part out of **Spalding** and **Pinchbeck** South fen, another part out of **Deping** fen, and a third part out of **Goggiſland**, according to the number of Acres, then in them lying in Common, to be ſet out by the ſaid ſix or more Commiſſioners of Sewers in either of the ſaid parts of **Holland** and **Keſteven** within their ſaid ſeveral parts reſpectively. And of the whole content of the Mariſh and drowned grounds called **Belleſmore**, lying in **Spalding** and **Weſton** in the ſaid County, being the grounds of Sir *Francis Jones* Knight, two third parts: And of the whole content of the Mariſh grounds called Turpitts, lying in **Weſton** aforeſaid, being the grounds of *William Coulſon* of the ſame Yeoman, two third parts: And of the whole content of the Mariſh ground, called the **Eaſt fen**, lying in **Moulton**, being the grounds of Sir *John Payton* Knight and others, one fourth part: And of **Whaplode** and **Holbeche** Common, Mariſh or Fen grounds, one half part: And of **Sutton** Fen, lying on the South ſide of **South Ea**, two third parts.

great Level.

And it was farther ordered and decreed; that till the ſaid Fens and grounds ſhould be adjudged drayned, and approved to be drayned as aforeſaid, the two Rivers of **Glene** and **Weland**, and the Banks environing the ſaid South Fen ſhould be kept and maintained for the ſafety of the Country at the charges and coſts of the ſaid Earl of **Exeter** or his aſſigns, according to the contract made with the ſaid *Thomas Lovell*.

That this Decree alſo had little effect, I am much inclined to believe: For upon the laſt of *February* following, the

For the general drayning

e Coid. D. M. Febr. 16.

the ſaid Lords of the Council, wrote e again to thoſe Commiſſioners; requiring them to attend the King in perſon at his Council Board in the third week of Lent enſuing, there to cleer ſuch doubts as his Maleſty ſhould deſire to be ſatisfied in from them.

Whereupon, the buſineſs being heard at large, there enſued this following Order, f upon the *ix*th of *April*, the King himſelf being preſent and likewiſe the Commiſſioners, *viz.*

f Ib. 264. b.

That the Undertakers ſhould on *Tueſday* following, exhibit in writing what it was that they promiſed to effect, and to ſpecifie what they would demand as a recompence for their labours, *&c.*

12 Apr. 1622. 18 Jac.

Which accordingly was done; the Propoſitions of the Undertakers delivered in unto the Commiſſioners being as followeth; *viz.*

1. That they did intend really to perform the work of drayning of the Fens, without any tax upon the Country; excepting the deep Meers and Pools *&c.* which were under the Levell.

of the great Level

2. That when the work ſhould be done, they would aſſure competent Land for ever, to ſtand lyable for ever to maintain and repair the ſame.

3. To effect this Drayning within 3 years after a perfect Contract made with his Majeſty for ſuch lands as ſhould be a competent recompence for their coſts and pains; and the ſame Land ſet out by Metes and bounds in ſeveralty, and ſufficiently aſſured to them their Heirs and Aſſigns for ever *&c.*

4. That in order to this work, they would open the out-falls of **Nene** and **Welland**, and make thoſe Rivers navigable as high as **Wisbeche** and **Spalding**.

5. And laſtly, not to forget to preſerve the Navigation between **Cambridg** and **Lynne**.

In recompenſe whereof they demanded theſe proportions in the ſeveral Fens hereafter expreſſed; viz. g Ib. f. 265. a.

1. Of **Burrough** great Fen — one third part.
2. **Burrough** little Fen, **Eye**-Fen, and **Flag** Fen. — a ſixth part.
3. **Crowland** Fen (3 pieces) — a fourth part.
4. **Thorney** fenns — a half part.
5. **Wisbeche** high Fen, **Sutton**, and **Thocknall** — a third part.
6. Fens on both ſides of **Marth** River, between **Darcey lode** on the South, and **Needham** fen, North — 2 third parts.
7. **Wittleſey** fens — 1 half part.
8. **Stanground** — 1 fift part.
9. **Ramſey** fens — 1 half part.
10. **Huntingdon** Fenns, on the Weſt of **Ramſey**, by the River of **Nene** on the North, up to **Yarley**, and the skirts on the South and VVeſt — one half part.
11. **Huntingdon** Fens, from **Eryth** bridge up to **Ramſey**, by the **Weſt-water**, and the River of **Nene** Eaſt and North — one third part.
12. **Donington** Fens in Common — one half part.
13. **Donington** Fens in ſeveral — one ſixt part.
14. Fens between the **Weſt-water**, VVeſt **Sutton** lode in the Iſle of **Ely** and **Coveney** drain South, **Drowlow** lode Eaſt, **Coriode** and **Chateriz** lode North, together with **Chateriz** Fens on the other ſide to **Donington** — one third part.
15. **Hunney** fen — one tenth part.
16. **Sutton** and **Hadenham** fens — one eighth part.

For the general drayning of the great Level.

17. Gyunty fen ——— one third part.
18. A Fen by Sutton lode and Coveney, between Downham Hards ——— one fourth part.
19. Downham Wode fen, and other Fens of Ely, between Littleport grounds and the Duſe, Elie-uplands and Scarlet tree lode ——— one half part.
20. Littleport Fens, on both ſides the Duſe ——— one third part.
21. Other Fens between Darcy lode North, & Welney river Eaſt one third part.
22. Fens in Upwell and Outwell ——— one half part.
23. Fens between Welney-river and Welney Cauſey. ——— one half part.
24. The Hale and Mr. *Hawe's* fen ——— one half part.
25. Fens on the North of Stoke River, to the great River between Helgay and Stoke ——— one fourth part.
26. Fens between Stoke River North, and Brandon River South ——— one fourth part.
27. Fens between Brandon River North, and Wildnall River South, and Littleport Fens Weſt ——— one third part.
28. Fens between Wildnall River, and the great River, up to Harrymere, and the Uplands of Iſleham, Foxham, and Soham ——— one fourth part.
29. Soham Fens, by Wicking hards on the South ——— one ſixt part.
30. Fens between Wicking hards on the South, Homyng fen, Ouye and the River of Grant, Weſt ——— one fourth part.
31. Fens on the South of Quay, compaſſing of Fulberne field ——— one fourth part.
32. Fens between the River of Grant Eaſt, and the Hards of Milterne, Waterbeche, and Denny Abby, Weſt; and ſo extending Weſt, between the River of Duſe on the North and the hard land South, up to S. *Ives* bridge; and a part on the other ſide of Duſe, between Erith and S. *Ives*: ——— one eighth part of the better. one fourth part of the worſe.
33. Fens or drowned Lands on the North ſide of Wisbeche — 2 third parts.

h Ib. f. 265 b 11 Maij 1620. 18 Jac.

The Anſwer h *of the Commiſſioners to theſe Propoſitions.*

That they had no power to take away any mans land without his voluntary aſſent: And that the authority which they had by their Commiſſion (to which they were ſtrictly bound) was only to rate the charge of every particular man towards any ſuch general work, according to the profit which every ſuch perſon ſhould receive by the ſame: And foraſmuch as 'twas impoſſible to be diſcerned, before the work were finiſhed, who ſhould have profit thereby, or how much, they could not legally procure any ſuch aſſurance before hand. But if the Vndertakers would be conſtant to their Propoſitions which themſelves had before that time at divers Seſſions of Sewers publiſhed; *viz.* that they required no other recompence for their intended work, than a moity only of the cleer profit, which by their ſole induſtry and charge they ſhould bring unto each particular owner of theſe ſurrounded grounds, more than formerly was received; they ſhould be ready (as at the firſt) to give the ſaid Vndertakers all lawfull furtherance and aſſiſtance: Provided, that before they begun their work, they gave ſecurity, that they would not impair the Navigation, in the Rivers of Duſe and Grant.

Vpon which terms if the Vndertakers did refuſe to proceed, the ſaid Commiſſioners offered to do the work themſelves, according to the antient courſe and legal power of their Commiſſion.

VVhereupon enſued this r Order of the Lords of the Council, by reference from the King made upon this Anſwer of the Commiſſioners, bearing date at White Hall 12 *Julii* An. 1620. (18 *Jac.*) r Ib. f. 266. a.

1. That

For the general drayning

1. That, according to an offer then made on the part of the Country, good ſecurity ſhould be given to the Undertakers for a moity of the cleer profits, which by the drayning ſhould be improved upon every man's ground, above the rate that then the ſame was valued at; and that the ſecurity ſhould be partly from the Owners, and partly in caſe of Common, by aid of the Commiſſioners; with this Condition, that the lands and parts of each County ſhould be rated by the Commiſſioners of the ſaid County.

2. Concerning Prejudice of Navigation in the Rivers of **Ouſe** and **Grant**, it was ordered that the Undertakers being agreed with for their ſecurity in form aforeſaid; they ſhould ſhew unto the Country the means they intended in the drayning of theſe Levells: And therefore if the Countrey ſhould find it either prejudicial to **Merſhland** or otherwiſe, and preſent their Reaſons to the Board, their Lordſhips concurring therewith, all farther proceedings to be ſtayed.

3. That conſideration ſhould be had, that particulars receive no damage by this drayning; but that the Owners have ſatisfaction out of thoſe that were to receive Commodity.

4. That no land ſhould contribute to this charge, which was then at 8ˢ. an Acre or upwards, except it lay in ſmall quantities, and intermixt with other lands, ſo that the work could not go forward without it, and then to have a moity of profit, *ut ſupra.*

5. That their Lordſhips ſhould not intermeddle with any part of the work, which was already ſetled & agreed on.

6. That the **Undertakers**, according to their promiſe, ſhould begin the work within one Month after this **Agreement** ſhould be concluded.

All which being thus ſetled and agreed upon the laſt day of *May* then paſt, with the conſent of both parties (for ought appeared to their Lordſhips.) Foraſmuch nevertheleſs as the Undertakers, had not then entred upon the work, nor made any proceeding therein (the time of the year requiring expedition) it was, according to his Majeſties pleaſure and command, ordered by that Board; that the ſaid Undertakers ſhould either go on, according to the Articles ſo agreed on at that Board, or otherwiſe deſiſt from that undertaking, and hold the Country no longer in ſuſpence; but to leave them to ſuch further courſes as ſhould be expedient: To which purpoſe it was likewiſe ordered, that Copies of thoſe Articles and Orders ſhould be delivered both to the Undertakers, and ſuch Gentlemen as attended that ſervice there for the Country. of the great Level.

And afterwards, *viz.* upon the 25th. of the ſame Month of *July*, the King by his Letters [k] directed to the ſaid Commiſſioners (publiſhed at **Cambridge** 18 *Aug.*) commending the Undertakers readineſs, and acceptance of ſuch mean conditions in ſo hazardous an enterpriſe; required that they might have ſquare dealing in the valuation of the Lands, as they had been truly let, and ſecurity for the partage of what ſhould be alotted to them, ſo that there might not be any juſt exception thereto; and likewiſe that the ſaid Commiſſioners ſhould give them their beſt aſſiſtance, that they might go on with cheerfullneſs in the work; the Lords of the Council alſo, by their Letters [l] to the ſaid Commiſſioners, inciting their aſſiſtance to the ſaid Undertakers; and for their ſetling of the buſineſs with them according to that Agreement.

[k] Ib. f. 267. a. 25 *Julii.* 18 *Jac.*

[l] Ibid. 20 *Julii.* 18 *Jac.*

In purſuance whereof, in a Seſſion [m] of Sewers held at **Cambridge**, upon the 17th. of *Auguſt* following, it was ordered; that Sir *Miles Sandys* Knight and Baronet, Sir *Edw. Peyton* Knight and Baronet, and ſeveral of the Commiſſioners of Sewers within the County of **Cambridg** and Iſle of **Ely**, ſhould view and value, according to the annual worth of the ſame (being ſubject to the Taxes, ſurrounding, and other inconveniences, which the ſame had born for *x.* years then paſt) all the Fen grounds within the County of **Cambridge** and Iſle of **Ely**, beginning at **Fen-Drayton** on *Tueſday* the 22th. of that inſtant *Auguſt*. And that four able and ſufficient men of every Pariſh ſhould attend the ſaid Commiſſioners there, for the better informing them in the true value of thoſe grounds.

[m] Ib. f. 267. b. 17 *Aug.* 1620. (18 *Jac.*)

And

For the general drayning 19 *Iac.*

And the next year following in a Seſſion of Sewers, held alſo at **Cambridge** aforeſaid, it was decreed; that the Adventurers, in recompence of their charge of Drayning this whole Level, ſhould have out of the ſurrounded grounds ſo to be drayned one hundred and twenty thouſand Acres, to be ſet out by metes and bounds: and the King himſelf (who hath been heard to ſay; *that for the honour of his Kingdome, he would not any longer ſuffer theſe Countries to be abandoned to the will of the waters, nor to let them lye waſte and unprofitable*) was then pleaſed to declare himſelf the principal Undertaker.

But whether it was the great diſturbance he had about that time, and after till the end of his reign, for regaining the *Palatinate*, then violently invaded by a powerfull Army, and his Daughter with her Husband and Children expoſed to the wide World for a ſubſiſtence, which was the impediment; or what elſe I ſhall not take upon me to ſay: Certain it is, that no farther progreſs was made therein; nor any thing elſe conducing thereto, till the fifth year of our late Sovereign King *Charles* the firſt, of bleſſed memory, when in a Seſſion of Sewers held at 6 *Ian.* 5 *Car.* **Huntendon**, upon the 6th. of *January*, Anno 1629. it was decreed; that a Tax of ſix ſhillings an Acre ſhould be laid upon all the ſaid Mariſh, fenny, waſte and ſurrounded grounds, in order to this general Drayning: Notwithſtanding which Decree, there was no part of the ſaid Tax paid, nor any proſecution of that work.

1 Sept. 6 Car.

Howbeit, in another Seſſion of Sewers, held at **King's Lynne**, upon the firſt of *September* the year enſuing (the Commiſſioners then preſent being *xlvii.* in number) there was a contract made with Sir *Cornelius Vermuden* Knight (a perſon well experienced in works of this kind) for the Drayning of this Level; and he, for his recompence therein to have ninety five thouſand Acres of the ſaid ſurrounded lands: But the Country being not ſatisfied to deal with Sir *Cornelius*, in regard he was an Alien, they intimated their diſlike to the Commiſſioners; and withall, became humble Suters to *Francis* then Earl of **Bedford** (who was owner of neer twenty thouſand Acres about **Thorney** and **Wittleſey**, of this fenny Level) to undertake the work; at whoſe requeſt, as alſo of the Commiſſioners, he condeſcended thereto. of the great Level.

Whereupon, for the better ratifying of this Agreement, there was another Seſſion of Sewers held at **King's Lynne** before-ſpecified, upon the *xiij*th. of *January* following; and by *xli.* Commiſſioners then and there preſent, a ſolemn Decree made, reciting theſe particulars, *viz.* 13 *Ian.* 6 *Car.*

That the work of Drayning was firſt propounded 19 *Jac.* at **Cambridge**, at a general Seſſion there, where the then King *James* declared by his Letters, that he himſelf would undertake it: And for ſatisfaction of his expence, the quantity of 120000. Acres was decreed to his Majeſty, his heirs and ſucceſſors for ever.

But the work being neglected by him, his late Majeſty King *Charles* the firſt had often recommended the care to the Commiſſioners of Sewers, and in purſuance of this gratious intimation, the Commiſſioners at a Seſſion holden at **Huntingdon** 20 *Jan.* 5 *Caroli*, did lay a tax of *vi*s. the Acre upon all and every Marſh, and fen grounds; which tax, nor any part thereof was ever paid.

And moreover that whereas at a Seſſion holden at **Kings Lynne** 1 *Sept.* then laſt paſt (*id eſt* 6. *Caroli*) the Commiſſioners being *xlvij.* preſent, did contract with Sir *Cornelius Vermuden*, that he ſhould undertake the work at his own charge; and in recompence thereof to have 90000. Acres parcell, equally and indifferently to be laid out: and that the ſaid *Corn. Vermuden* had preſented the Commiſſioners with a Map and deſign of the work, which was approved of; but required 95000. Acres, which the Commiſſioners and Country were unwilling to grant, or that any contract ſhould be made with an Alien or ſtranger; they therefore petitioned, that the Earl of **Bedford**, then preſent, would undertake the work; which the ſaid Earl yielded unto; under the Agreements and Articles here under expreſſed; *viz.*

1. That

For the general drayning

1. That he ſhould preſently begin the ſame, and finiſh it ſo, as to make the grounds fit for Meadow, Paſture, or arable within the compaſs of ſix years, from 1 *Oct.* following, unleſs the Commiſſioners ſhould approve the cauſe of deferring it any longer.

2. That ſuddain overflowings, in places remote from the Out-falls, ſhould not be adjudged a not Drayning; nor Meers, Lakes, Pooles, and Forelands, left by Art and Approbation for Receptacles; Nor any part of the ground out of which he was to have his proportion.

3. That there ſhould be 95000. Acres ſet out by ſix Commiſſioners (reſpect being had to Commoners accommodations) before *Michaelmaſs* then next following.

4. That the Earl and his aſſociates might be incorporated for ever, to make Laws, Ordinances, and Orders; and to have power over the lands aſſigned (but no other) towards the maintaining of the works.

5. That the whole 95000. Acres ſhould be lyable to the firſt finiſhing of the work; and 40000. towards the maintaining: and the 40000. to be ſubject, in caſe of neglect, to the Commiſſioners of Sewers.

6. That when 30000. Acres ſhould be finiſhed, the Earl to have his proportion out of it.

7. That the private Indikes, for partition, be made by advice of the Earl, and by direction of the Commiſſioners.

8. That the Commiſſioners ſhall ſet out convenient High-wayes and paſſages by land throughout the Level.

9. Provided that the Port and Haven of **Kings Lynne** be preſerved; and the Navigation, Paſſage, and High-wayes, in, upon, or about all the Navigable Rivers; namely **Ouſe, Grant, Neene, Welland** and **Glene** to be preſerved; and no prejudice, annoyance, hurt or hindrance to be done to them. And if any ſuch prejudice, annoyance, hurt or hindrance upon complaint thereof and of the Commiſſioners, whereof the Vice-Chancellour of the Univerſity of **Cambridge** ..... ſhall be 3. if they will be preſent; to return, abate, ... and amove all ſuch prejudice, annoyance *&c.* ſo that the antient Navigation, paſſages, and High-wayes may be preſerved.

of the great Level.

10. For the ſafety of **Holland** and Hundred of **Wisbeche, Clows Croſſe** Drayn to be kept within ſoyl or Banks; and in caſe of any prejudice, then ſix Commiſſioners to reform the exceſſes, and the Earl to make recompence.

11. That the new Rivers, Cutts, and Dreyns, the Banks, Forelands and inſide of the Banks, not exceeding 50. or 60. foot, to be the Earles; paying ſuch recompence as the Commiſſioners ſhould think fit, the old ones to remain as they were.

12. No paſſages upon the Banks but for the towing of Boats.

13. That the Earl might take Earth, dig Drayns, and Cutts, upon the lands next adjoyning, making recompence.

14. That the Commiſſioners ſhould aſſiſt the Earl to ſuppreſs ryots, inſolencies, and diſturbances.

15. Such as ſhould receive benefit by the work, and yet no parties to it, if their land be taken within the allotment, of the 95000. Acres, to pay to the Earl as the Commiſſioners ſhall aſſeſs, upon pain to forfeit double.

16. That the Earl might hold the 95000. Acres in free ſocage at *x*l. *per annum* fee ferm; and if any other Rents be iſſuing, that pay be charged upon other lands.

17. That the King ſhould releaſe any benefit, which by the Law of Sewers made 19. *Fac.* or by any other law might accrue to him; and approve of this Law; and that it may be confirmed by Decree in Chancery, and Council of State, and by Act of the next Parliament.

18. That 12000 of the 95000 acres be aſſured to the King for his Royal aſſent, and laid out upon the lands belonging to the Manour of **Whittleſey**, and the Marſhes there adjoyning.

19. And, that for allotments out of ſmall parcels, leſſe than 30 Acres, there the Earl to divide and accept what 6 Commiſſioners ſhould aſſeſs.

For the general Drayning

Theſe things being thus ſetled, the ſaid Earl taking in divers Adventurers, as Participants with him therein, they caſt the whole, ſo allowed for their recompence, into twenty parts or lots, each lot conſiſting of four thouſand Acres; whereof himſelf was to have three ſhares or lots; *Oliver* Earl of **Bullingbroke**, one; *Edward* Lord *Gorges*, one; Sir *Robert Heath* Knight, one; Sir *Miles Sandys* Knight and Baronet, two; Sir *William Ruſſel* Knight and Baronet, two; Sir *Robert Bevyll* Knight, one; Sir *Thomas Terringham* Knight, two; Sir *Philibert Vernat*, one; *William Sams* Doctor of Law, one; *Anthony Hamond* Eſquire, two; *Samuel Spalding* Gent. one; *Andrew Burwell* Gent. one; and Sir *Robert Lovet* Knight; one. And thereupon he the ſaid Earl, and thoſe his Participants, did, by Indenture (of fourteen parts) covenant with each other; *that if any one of them, or their aſſignees, after notice, ſhould fail in the payment of ſuch moneys, as from time to time ſhould be impoſed on them, in purſuance of that agreement, for carrying on the ſaid work; that then it ſhould be lawfull to and for the reſt of the ſaid parties, or their aſſignes, to ſupply the ſame, or to admit ſome other perſon or perſons, to have the ſhare of ſuch defalture, paying the ſum impoſed on the ſaid ſhare: and, that all ſuch parties, as aforeſaid, by himſelf or his aſſignes ſo failing, ſhould be wholly excluded, and for ever debarred from demanding, or receiving all or any ſuch ſum or ſums of money, as any ſuch perſon or perſons had formerly diſburſed for and towards the ſaid undertaking.*

VVhich agreement ſo made, the ſaid Earl and his Participants, or ſuch unto whom ſeveral proportions of thoſe lots or ſhares, were by them aſſigned, began the work; and in order to the carrying off the ſuperfluous water, wherewith the Level was ſo much annoyed, cauſed theſe ſeveral Chanels to be made; *viz.*

1. **Bedford** River, extending from **Erith** to **Salters lode**, *Lxx* foot wide, and *xxi* miles in length (this being intended for taking off the high flouds from the River of **Ouſe**, having at each end thereof a Sluſe of great ſtrength.)

2. **Sam's Cut**, from **Feltwell** to **Ouſe**, being about ſix miles in length, and twenty foot in bredth. of the great Level.

3. A Cut to drain the River of **Mildenhall** in **Burntfen**, neer **Littleport**, two miles long, and fourty foot wide.

4. **Bevill's Leame**, being a Cut from **Witleſey** meer to **Guyhirne**, about ten miles in length, and *xl* foot in bredth.

5. **Morton's Leame** (before-mentioned) new made.

6. **Peakirk** Drayn, ten miles in length, and 17 foot in bredth.

7. New **South Ea**, from **Crowland** to **Clows croſſe**.

8. **Hill's** Cut, neer **Peterborough**, about two miles in length, and 50 foot in bredth.

9. **Shire Drayne**, from **Clows croſſe** to **Tyd**, and ſo unto the Sea.

Moreover, beſides theſe Cuts and Drayns, he cauſed two Sluſes to be made, at **Tyd**, upon **Shire Drayne**, to keep out the Tides; as alſo a Clow at **Clows Croſſe**, for the freſh water.

And likewiſe a great Saſſe on **Welle Creeke**, with a Stone Sluſe at **Salters lode** upon **Bedford** River, to keep out the Tides, and Sluſes at **Erith**, for the freſh: But above all, that great Stone Sluſe below **Wisbeche**, at the **Horſhoo**, to hold the Tides out of **Morton's Leame**, which coſt about eight thouſand pounds.

And to the end they might the better accompliſh this ſo great an undertaking; as alſo maintain and preſerve the works, after they ſhould be compleated; the ſaid *Francis* Earl of **Bedford**, and his Participants, did in the *x* year of the ſaid Kings reign, obtain Letters Patents of *Incorporation*, bearing date 13 *Martii*: whereby the ſaid King, making ſome recital of the before-ſpecified Laws of Sewers, made at **King's Lynne** 13 *Jan. 6 Car.* with his royal aſſent thereunto; did incorporate him the ſaid Earl, and certain other perſons; *viz. Oliver* Earl of **Bullingbroke**; *Henry* Lord *Maltrevers*; *Edward* Lord *Gorges*; Sir *Francis Crane* Knight, Chancellor of the moſt noble Order of the

13 *Martii*. 10 *Caroli*.

For the general drayning

the Garter; Sir *Miles Sandis* Knight and Baronet; Sir *Thomes Teringham* Knight; Sir *Robert Lovell* Knight; Sir *Filbert Vernat* Knight; Sir *Miles Sandis* Knight; *William Sams* Doctor of Law; *Oliver S. John* Esquire; *Anthony Hamond* Esquire; and *Samuell Spalding* Gentleman, into a Body politick, to be Guardians and Conservers of the Fen lands, in the Counties of **Cambridge, Huntington, Northampton, Lincolne, Norfolke, Suffolke,** and Isle of **Ely**; by the name of a Governour, Deputy Governour, two Bayliffs, and Commonalty of the Society aforesaid: and that they and others, to be elected into that Fellowship, to have a perpetual succession by those Names and Titles, with power to purchase lands, plead and be impleaded, and to have a common Seal.

And moreover, that out of this their Society be yearly chosen, upon the *xxix* of *September*, one who shall bear the name of Governour; another to be Deputy Governour, and two others to be Bayliffs of the same Society, to continue for one compleat year: each of the said Commonalty having of Inheritance five hundred Acres, at the least, in the said Fen lands.

That upon Death or Removal, the Survivors to elect others in their rooms; And that six shall have power to make Laws, for the publick benefit of the Society, whereof the Governour or Deputy Governour to be one.

Also, that the Governour, Deputy Governour, and Bayliffs, shall make Oath for the due execution of their Offices: so likewise their Servants and Ministers.

By this Charter of Incorporation, the said Governor, Bayliffs, and Commonalty of this Society, and their Successors, are likewise constituted Guardians of all the Waters, Rivers and Fens within the Precincts aforesaid; with power to seise and take all Nets and other Engines made and used therein for destroying of Fish contrary to the Laws and Customes of this Realm. And they be thereby impowred to enquire by Oath, of all Trespasses and Offences, committed contrary to the Laws and Customes of the Kingdom; and to punish the Offenders by Fines and Amerciaments: which Fines and Amerciaments to be levied by their Officers, and to be to the use and benefit of the Society, without any Estreits thereof made into the Exchequer.

of the great Level.

Likewise to build Churches or Chapels, and make Church-yards, in such fitting places of the said Fens as they shall judge meet; and to cause them to be consecrated by the Bishop. And to take reasonable Tolls of all Carriages and Commodities, at such Bridges as they shall erect and maintain: So also for laded Boats, passing under the same Bridges.

And lastly, to Register all conveyances of these their lands, within three months after the making thereof, in certain Books to be kept for that purpose, by the said Governour and Bayliffs.

All which being accomplisht, about three years after, in a Session of Sewers held at **Peterborough** *xii Oct.* 13 *Car.* the whole Level was adjudged drayned; and the ninety five thousand Acres were set out by six or more of the said Commissioners, by metes and bounds, unto the said *Francis* late Earl of **Bedford**, his Heirs and Assignes; the charge [n] of these works to the said Earl and his Participants, having been no lesse than an Hundred thousand pounds.

12 *Oct.* 13 *Car.* Anno 1637.

n Discourse touching the Drayning of the Fens, by Sir *Corn. Vermuden* p. 2.

But notwithstanding this great expence, it was at length evidently discerned [o], that though the lands were very much improved by those works, yet were they subject to Inundation, especially in the Winter season; and therefore in a Session of Sewers held at **Huntendon** 12 *Aprilis*; the year ensuing, the said Earl of **Bedford's** undertaking was adjudged defective.

o Ibid.

12 *Apr.* 14 *Car.* Anno 1638.

And on the *xxiii* of *May* following, in another Session held at **Wisbeche**, the particular defects therein, being considered by the Commissioners, there was a new Tax of *xv* s. the Acre; imposed by them; but upon **Deping** fen *xxx* s. the Acre; **Walderley** and **Coldham** *xx* s. the Acre; **Needham**

23 *Maii.*

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fen *vi*s. *viij*d. the Acre. For the Marshes within the precincts of **Walton**, **Walsokne**, and **Walpole** in the County of **Norfolke**, **Tyd S. Maries**, **Sutton** in **Holand**, **Lutton**, **Gedney**, **Flete**, **Holbeche**, **Quaplode**, **Moulton** and **Weston** in the County of **Lincolne**, **Wisbeche**, **Leverington**, **Newton**, and **Tyd S. Giles** in the County of **Cambridge**, *xl*s. the Acre. **Marshland** ten *xx*s. the Acre; and other the Fens and low grounds in **Marshland** *x* s. the Acre. The Common and several Fen-grounds lying within the North side of **Wisebeche**, between **South Ea** bank, **Wisebeche** River, the old Sea-bank, and the Shire drayn; *viz.* the Common Fen-grounds lying in **Neuton** and **Tyd** within the said North side of **Wisebeche** *xx* s. the Acre: and the several Fen-grounds in **Neuton** and **Tyd** aforesaid *x* s. the Acre: and the rest of the Common Fen-grounds lying within the North side of **Wisebeche** *vi* s. *viij* d. the Acre.

The Common and several Fen-grounds in **Holand** (in the County of **Lincolne**) *viz.* the Common at *xx* s. the Acre, and the several at *x* s.

And it was then decreed, that the said Tax should be paid in, to the Treasurers appointed to receive the same, before the *xviij*th. of *July* then next ensuing that present Session; to the end that it might be speedily imployed in the work; that so the said Fens might by sufficient Drayning, be made aswell Winter-grounds as Summer-grounds, in all the parts thereof, saving convenient Forelands and Receptacles for Winter flouds.

Hereupon, his late Majesty King *Charles* the first of blessed memory, taking this great business into his Princely consideration; and foreseeing that these lands, being [p] a continent of about four hundred thousand Acres, in case they were made Winter-grounds would be an extraordinary benefit to the Common-wealth (*viz.* of six hundred thousand pounds *per annum*, value) as also a great and certain revenue to all parties interessed: And likewise, because the Owners (who were very many) could not agree to do so great a work (one being willing, and another not; one able to contribute, another not) was therefore pleased to undertake the making of those lands, Winter-ground, at his own charge, whereby the said four hundred thousand Acres might be profitable, firm, and good. And for the better performance thereof, did command divers Gentlemen, expert in such adventures, to give their advice how these lands might be recovered in such manner, as that they might be made Winter-grounds; to the end the said work might be compleated.

[p] Discourse by Sir *C. Vermuden*, ut supra, p. 2. & 3.

of the great Level.

Amongst which the before-specified Sir *Cornelius Vermuden* was one: who, after view taken thereof, returned their opinions; all concluding it fesible, but differing much in the way to accomplish the same.

To give instance of the various conceipts of such whom his said Majesty imployed to inform him therein, it will be needless: howbeit of those, that † exhibited by the said Sir *Cornelius Vermuden* (a person of greater experience in Drayning than most others were) was not the least considerable: and therefore it being published in Print, I shall refer my Reader thereto.

† Discourse concerning the Drayning of the great Fens, Impr. *Lond.* 1642.

But such speed there was made in the farther prosecution of this great and noble adventure, that at a general Session of Sewers, held at **Huntendon** on the *xviij*th. day of *July* then next ensuing, the said King himself was declared the Undertaker; and to have not only those ninety five thousand Acres, which had been formerly set out for the said Earl; but also fifty seven thousand Acres more, from the Country; his design being (as by the Decree then made at **Huntendon**, appeareth) to make the said Fens as well Winter-grounds as Summer-grounds, as hath before been expressed; *viz.* out of **Deping**, **Pinchbeck**, **Spalding** South fen, and **Croyland** fen (alias **Gogsland** fen) twelve thousand Acres: And out of the rest of the lands out of which the ninety five thousand Acres had been formerly assigned to and for the said Earl of **Bedford** and his participants; First the number of twelve thousand Acres, parcell of the said ninety

18 *Julii* 14 *Car.* Anno 1638.

For the general drayning

ninety five thousand (which twelve thousand were then in the possession of his said Majesty, his Fermours or under-tenants:) And the quantity of one hundred and fourty thousand Acres more; whereof eighty three thousand (residue of the said ninety five thousand) to be taken in part, and fifty seaven thousand, in full of the said hundred and fourty thousand Acres, to be indifferently taken and set out of the residue of the said Fens, where or out of which the said ninety five thousand Acres were so decreed or assigned to the said Earl of **Bedford**; *viz.* out of such of the said Fens as do lye on the North-West side of the said new River called **Bedford** River, 29 thousand Acres, in part of the said 57 thousand Acres: And out of those on the South-East side of the said new River, 28 thousand Acres, in full for the said 57 thousand Acres: And for the drayning of the said Common and several low grounds lying in **Holand**, *Com. Linc.* within the River of **Welland**, **Foxton banke**, the **South Ea banke**, the **Shire drayne**, and the several high Marshes and grounds of the Towns or Parishes of **Tyd S.** *Maries*, **Sutton**, **Lutton**, **Gedney**, **Flete**, **Holbeche**, **Quaplode**, **Moulton**, **Weston** and **Spalding**, 19 thousand eight hundred 33 Acres. And for drayning the Common and several Fen-grounds, lying between the **South Ea** banke, **Wisbeche** River, the old Sea-bank, and the **Shire drayne**, in **Wisbeche**, **Leverington**, **Newton**, S. *Giles*, **Tyd** S. *Maries* and **Foxton drove**, the quantity of 4000. Acres.

And for Drayning the Common Fen-grounds of the Towns of **Marshland**, called **Marshland** fen, containing by estimation 4000 Acres, the quantity of two third parts (divided into three) And for drayning the Marsh lands lying open to the Sea, in or neer **Walton**, **Walsoken**, and **Walpole**, in *com. Norff.* between the old Sea bank of **Marshland**, and the old course of **Wisbeche** River, containing by estimation 3000 Acres; and of the Marsh lands and Marsh grounds, lying in or neer **Wisbeche**, **Leverington**, **Newton** and **Tyd S. Giles**, in *com. Cantab.* and the course of **Wisbeche** River and the **Shire Drayne** there, together with one piece thereof lately imbanked next the said **Shire Drayne**, containing by estimation 1000 Acres; and of the Marshes *&c.* lying in or neer **Tyd S.** *Maries*, **Sutton** in **Holand**, **Lutton**, **Gedney**, **Flete**, **Holbeche**, **Quaplode**, **Moulton** and **Weston** in *com Linc.* between the Marsh-grounds there formerly imbanked, and the Sea, extending along the Sea coast there (containing by estimation 5000 Acres) the quantity of two full third parts.

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And for Drayning of **Stretham meere** and the Meer-grounds thereof, containing by estimation 300 Acres; the one half thereof, or of so much thereof as shall be drayned.

And for the drayning of the rest of the Meers, Meer-grounds, Lakes and Pools, the quantity of 3 fourth parts of them (or so much of them as shall be drayned) divided equally into four parts.

And that though the said Earl of **Bedford** had not performed his undertaking, he should, in recompence of his great charge, in those Rivers, Cuts, and Drayns by him and his Participants made, have 40 thousand Acres to be assigned him, out of the before-mentioned 83 thousand Acres, residue of the said proportion of 95 thousand Acres assigned to the said Earl, as aforesaid.

About three dayes following (for it was upon the *xxi*th. of the same Month of *July*) the said Commissioners still sitting at **Huntendon**, dispatcht away Letters † of that date, to the Lords of the Council, concerning their transactions then in hand, the tenor whereof were as followeth;

21 *Julii* 14 *Car.* Anno 1638.

† Ex Collect. præclarissimi Comitis de Lindsey.

Touching the Great Levell, *we have received many and several complaints, from divers Townships therein; that their lands are taken from them, and they have received no benefit by the Drayning: upon hearring whereof, and of the proofes by them made, and declaration of divers Commissioners in Court, we find many of them true; and according to his Majesties Instructions to some of us, his Commissioners, we have made an Order to permit them to take the*

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profits of their lands, and Common of paſture, untill the Drayning be adjudged, ſo as they ſhall not pull down, or deface any Mounds, Fences, or Drayning, without due proof made, and a ſpecial Order of the Court in that behalf; wherein the Country have received and expreſſed a great deal of contentment and ſatisfaction. We have alſo two ſeveral dayes heard Mr. Holborne *and* Mr. St. John, *being of Councel with the Earl of* Bedford *and his participants in the* great Level; *and they have taken divers exceptions, and argued at large againſt the Laws of Tax, and proceedings upon this Commiſſion: and their main Objections tended to deſtroy, not only theſe Taxes, Decrees, and proceedings of this kind. And the ſame reaſons, if admitted, would plainly overthrow all the Preſentments, Taxes, Decrees, and Proceedings, for the Earl of* Bedford *and his participants. We are now taking into conſideration the force and weight of what hath been alleged, and ſhall therein give a juſt and ſpeedy reſolution; and with all care and diligence proceed to the further execution of this Commiſſion, and ſetling of this great work.*

I have not ſeen any direct Anſwer made by the ſaid Lords, unto this Letter: but on the *xxiij*th. of the ſame Month, there was a Letter dated at **Theobalds** (the Court being then there) from *William* Lord Biſhop of **London**, and ſent to the ſaid Commiſſioners, in anſwer to a Letter of theirs, to him, dated the *xxi*th. the tenor whereof (for ſo much as relates to this great Level) I have here likewiſe inſerted.

—— *And becauſe his Majeſty intends to ſee this great work of the Level proſecuted according to his firſt Princely deſign (being for the Countries good, and his own ſervice) in ſuch manner as may have juſt regard to the perfecting the ſame, with moſt publick and general advantage to the whole Fens; he is farther pleaſed to declare himſelf the ſole Adventurer, aſwell of* **Deping** *fen, as the* great Level: *and hereafter in ordering the ſame, will have a juſt reſpect unto ſuch perſons of Honour, and others, as have had any former intereſt or engagement therein. And likewiſe well approving the reſt of your proceedings, requireth you to go on with the care you have begun: not doubting, but to ſuch things, as have been ſaid by the Council at Bar, touching Commiſſions of Sewers, you will conſider the weight of their Arguments, and give them a fitting anſwer thereunto.*

of the great Level.

At the Seſſion of Sewers held at **Huntentendon** 23 Julii 14 *Caroli.* 23 Julii 14 Car. Anno 1638.

Deeping fen 27000 Acres. The charge 27500 l. 13750 Acres.

The proportion 12000 Acres, whereof 9000 out of the Undertakers; 3000 out of the Kings, Owners and Commoners: with purpoſe to come for more, if it will not perfect.

The **Meeres** and **Meer**-grounds 4500 Acres. The proportion of 4200 Acres is 3 4ths. 3150 Acres.

Stretham Meere 3000 Acres. 300 Acres, a moytie thereof 150 Acres.

Poyſand and South **Holland** 36000 Acres; the charge 11200 l. 20000 of the worſt at 12 d. the Acre; 10000 of the middle ſort, at 4 s. the Acre, 6000 of the beſt at 8 s. the Acre. 2 thirds of the worſt 13334 Acre 1. 3 d. A moytie of the middle ſort 5000 Acres 1 fourth of the beſt being 1500 Acres.

In toto 19833. Acres.

North of **Wisberhe** 15000 Acres; whereof 8000 Acres ſurrounded: a moytie to be decreed, 4000 Acres.

Marſhland Common fen 4000 Acres. To the undertakers two thirds, *viz.* 2666 Acres.

The **Marſhes** 9000 Acres. To be imbanked 7000 Acres. The charge 17500 l. The recompence two thirds, *viz* 4666. Acres, and an half.

The *Great Levell* 306000 Acres; whereof 12000 Acres to the King.

The charge 132900 l. The proportion 100000 Acres. Whereof of the Earl of **Bedford's** already ſet forth 43000 Acres. Out of the Countrey 57000 Acres. And then left to the ſaid Earl 40000 Acres.

None to be taken till the work be done, and Judgement upon a Winters experience, and that probationary *&c.*

The whole to be bound for the works, both the Kings and the Earls; excepting the Kings 12000 Acres.

And moreover to enrich theſe Countries by ſeveral new Plantations, and divers

For the general drayning

vers ample privileges: Amongſt which his Royal intentions, that of the building of an eminent Town in the midſt of the Levell, at a little Village called **Manea**, and to have called it **Charlemont**, was one; the deſign whereof he drew himſelf; intending to have made a navigable ſtream from thence to the River of **Duſe**.

And to manifeſt his earneſt and real purpoſes, for the ſpeedy performance of what was likely to redound ſo much to the Benefit of his People, and Honour of the Realm, he cauſed

1. A Bank on the South ſide of **Morton's Leame**, extending from **Peterborough** to **Wisbeche**, to be made; and a navigable Saſſe, at **Stanground**; and began the like Bank on the North ſide of that Leam.

2. He cauſed a new River to be cut, betwixt the Stone Sluſe at the **Horſhoo**, and the Sea below **Wisbeche**, of *Lx* foot in bredth, and about two miles and an half in length, with Banks on both ſides thereof.

3. And laſtly he placed a Sluce in the Marſhes below **Tyd**, upon the outfall of the Shire Drayn; which afterwards was ſwallowed up by the Quick ſands.

But here I come to a period of that noble deſign of this excellent Prince, he being not in a condition to proſecute it any farther; thoſe fatal Clouds, which began to appear in **Scotland** the year before, by the unhappy combination of that people in a League and Covenant, thickning apace that preſent year (*ſcil.* An. 1638) ſo that he was neceſſitated to raiſe an Army, and to march thither in perſon, for the prevention of the approaching ſtorm: which when with no ſmall charge & trouble, he believed he had done, & disbanded his Army, upon aſſurance of their future more ſtedfaſt obedience; they ſoon after invaded this Kingdom with a powerfull Hoſt, which occaſioned his Sacred Majeſty to call a Parliament here, hoping both of advice and aſſiſtance from his *Engliſh* Subjects, for the getting out and quieting of thoſe turbulent Spirits: But inſtead thereof, what a foundation the predominant party in that Parliament, confederated with their Brethren the *Scots* (for by that title they were then pleaſed to call them) had laid for the ruine of the King, the extirpation of his poſterity, and enſlaving of the whole Nation, I ſhall not need here to tell, the wofull dayes, which we have ſeen, being ſtill ſo freſh in the minds of all good people.

of the great Level.

The Kings work, therefore, being thus obſtructed, and the Country thereupon entring upon the ſaid ninety five thouſand Acres, the ſaid late Earl of **Bedford**, and his Participants, did in the year 1641 make their application to the then Parliament, and had their Caſe committed: but the flames of war ſo ſoon after breaking out, not only hindred them from any farther proſecution of their purpoſe, but occaſioned the works made both by him the ſaid Earl, and his late Majeſty, to decay and become uſeleſs.

Whereupon *William* Earl of **Bedford**, ſon and heir to *Francis* then deceaſed, being willing to proſecute the work, wherein his Father had been ſo great an Adventurer, making his addreſs in the behalf of himſelf and ſome other his Participants, to that Convention ſitting at **Weſtminſter**, in the year 1649. and then called by the name of a Parliament; was thereby declared to be the Undertaker for the ſame; and that he ſhould have ninety five thouſand Acres, for perfecting thereof, as they were ſet out in *October* 13 *Caroli*, or thenceforth ſhould be ſet out by virtue of that Act. ... *Mai.* An. 1649.

The ſaid Earl and his Participants therefore fell in hand with the work; for the better underſtanding whereof, it will be proper to take notice, that this main body of the Fens, ſo undertaken by them, is divided into three diſtinct Levells, *viz.* the *North Levell*, the *Middle Levell*, and the *South Levell*, every of which hath its particular Banks and outfalls.

1. That which I call the *North Levell*, lying betwixt the River of **Weland** and **Mortons** Leame, they defended from **Weland** by a Bank, beginning at **Peakirk**, running to **Croyland**, and ſo to **Brotherhouſe**, where it unites with **Holland** Bank, which

Bank

For the general drayning

Bank (as all the rest of the great Banks are generally) is seventy foot broad at the bottom, and eight foot in height. **Peterborough** water (*viz.* the River **Nene**) being also kept off by the like Bank, extending from **Peterborough** to **Guyhirne**.

But the Drayns are only those that were before, which were by this Earl and his Participants new scoured and opened: And the outfall is also the same; *viz.* by **Shire Drayne**; and the Sluse at **Tyd**; for the Sluses set in the Marshes are all lost, which cost neer 25000 *l.*

Moreover they caused **Wisbeche** River to be opened for the length of two miles at least, which was a very great work.

2. The **Middle Level** also they defended from **Peterborough** water, by a large Bank made from **Peterborough** to **Wisebeche**; this being raised upon the foundation of that which the King begun; excepting a little turn in **Walderley** Bank.

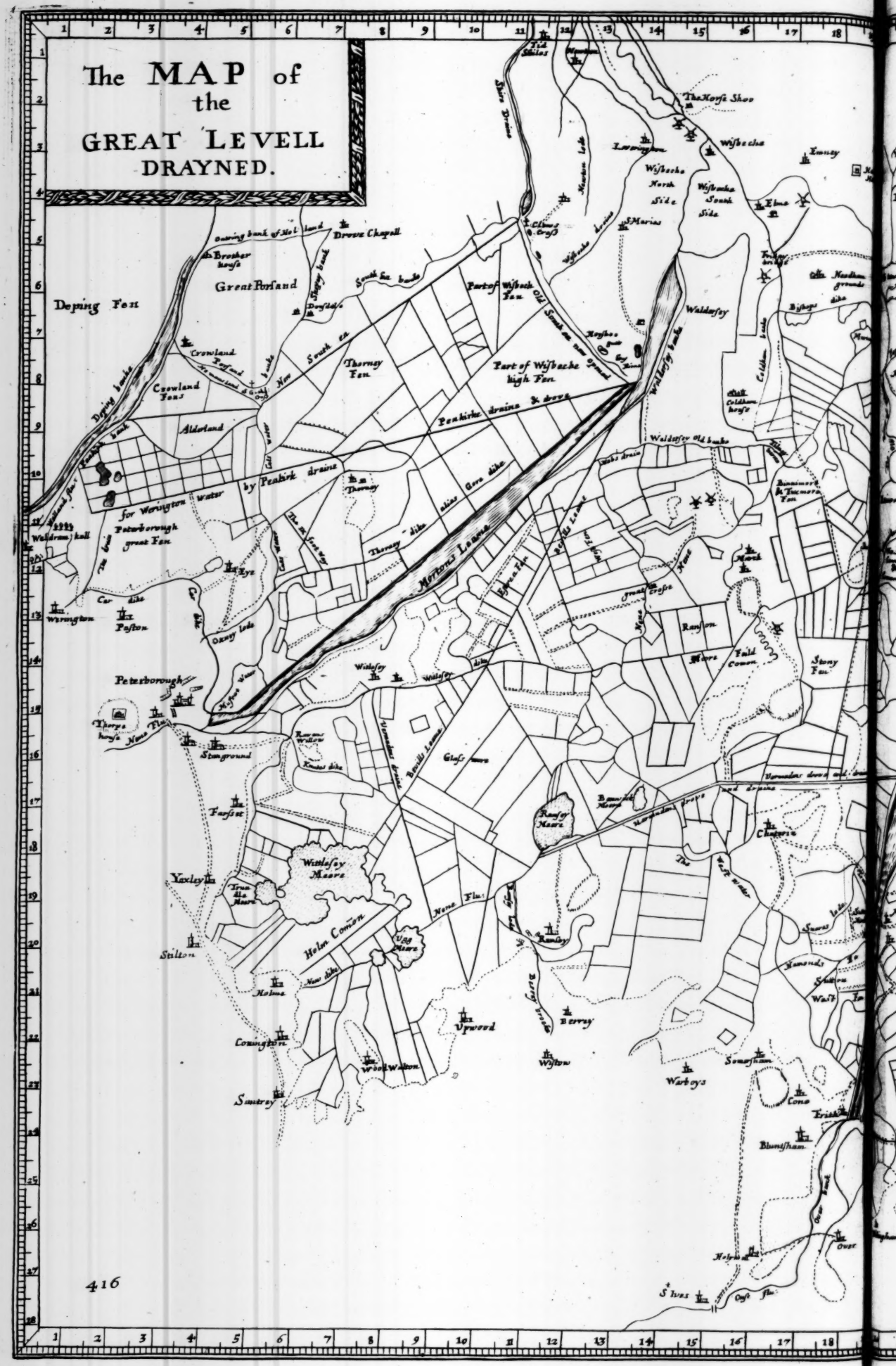
From the River **Ouse** they likewise defended it by a great Bank, extending from **Erith** to **Salters lode**, on the North VVest side of **Bedford** River, and made another new River parallel to the said **Bedford** river, from **Erith** to **Salters lode** aforesaid, containing an hundred foot in bredth; and imbanked it with Banks on both sides, of threescore foot wide at the bottom, ten at the top, and eight foot in height: The other new Drayns which he and his Participants made or repaired within this Level being these; *viz.* **Vermudens Ea**, **Hamonds Ea**, **Stony great Drayne**, **Nene** old Chanel, **Pophams Ea**, **Marshland Cut**, **Moores Drayne**, **Witlesey Dikes**, and some other small ones: And the Sluses, those at **Salters lode**, **Pophams Ea**, and **Marshland Cutts**. of the

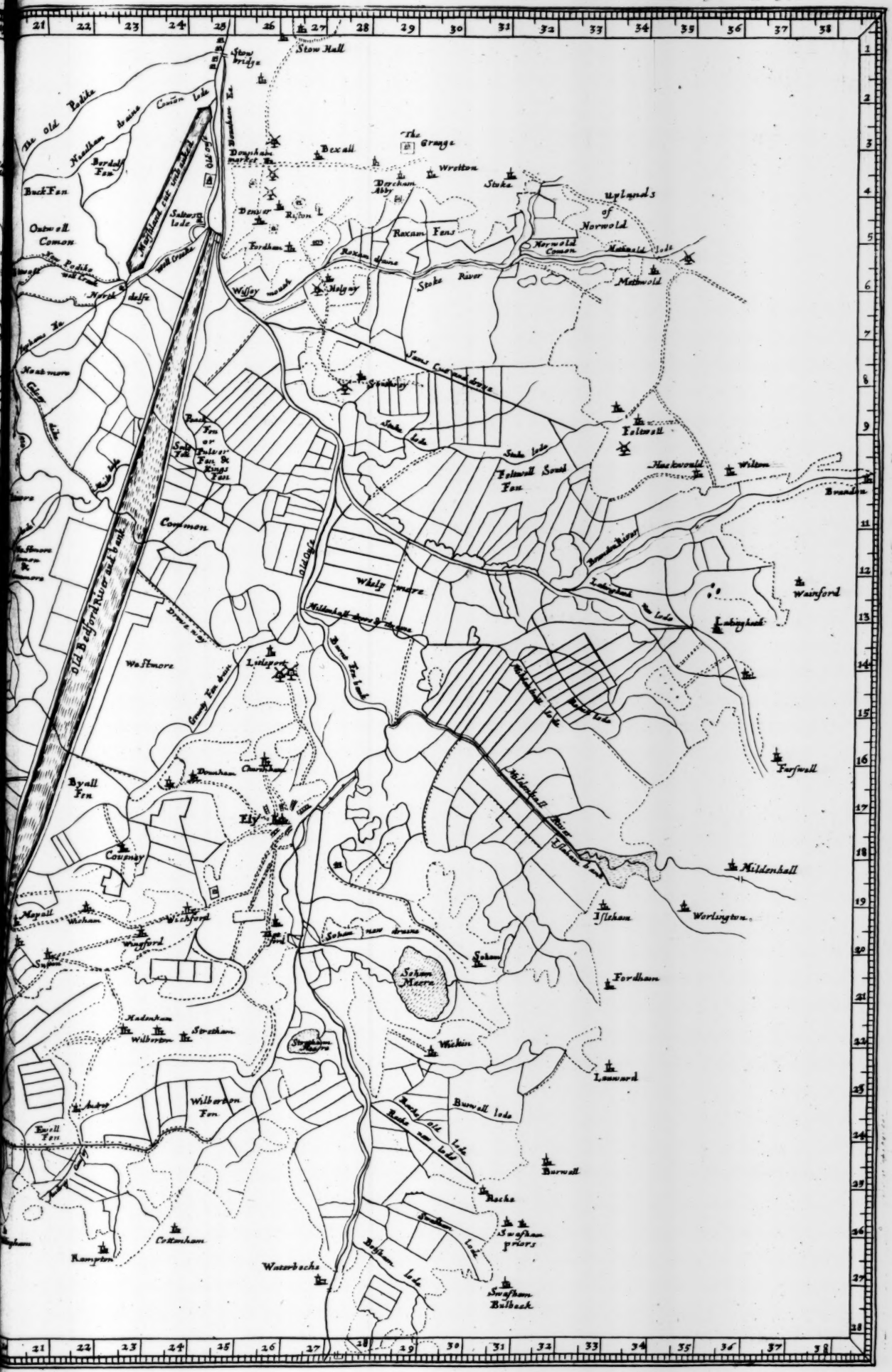
3. For scouring the South Level from the overflowings of **Ouse**, they raised also a great Bank from **Over** to **Salters lode**: The lesser Rivers, *viz.* of **Grant**, **Mildenhall**, **Brandon**, and **Stoke** being defended by smaller Banks.

From **Salters lode** to **Stow** bridge, they likewise caused a large River, of one hundred and twenty foot wide, and ten foot deep, to be cut, for the more speedy conveying away of the waters; which River is now called **Downham Ea**: As also two great Sasses at **Salters lode**, for the passage of Boats and other great Vessels; with three Sluses at the end of **Downham Ea**: And divers small Drayns, *viz.* **Grunty fen** Drayn; the In-Drayn to the Bank of the Hundred foot River; **Reach lode**, and many others.

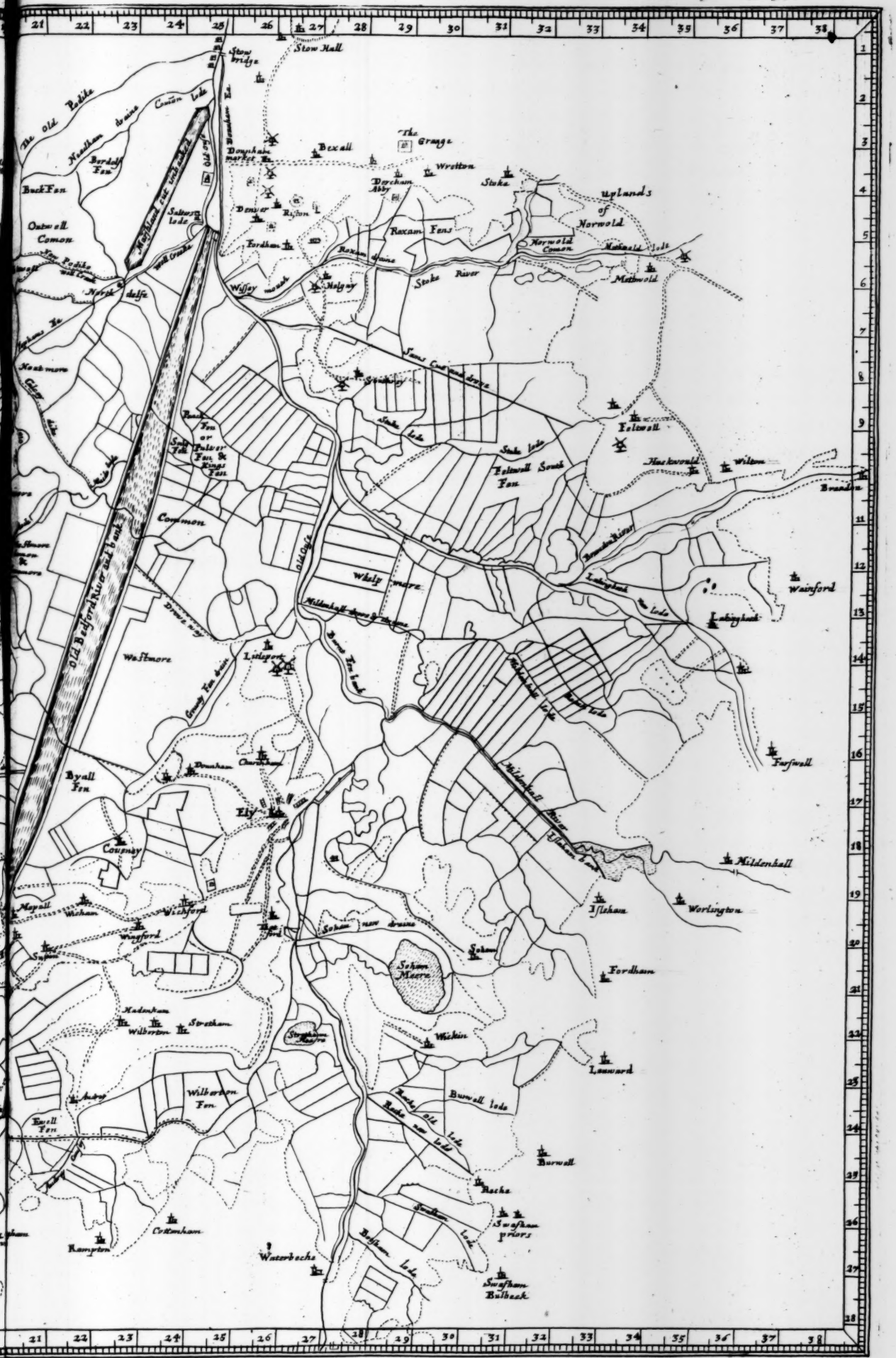
So that, having accomplisht the whole work within the compass of five years, the said Level was by a Decree of Sewers made at **Ely** on the 25th. of *March* Anno 1653. adjudged to be fully drayned: Whereupon the said Earl and his Participants had possession of those ninety five thousand Acres awarded to them. 25 *Martii*. An. 1653.

CHAP.


The MAP of the GREAT LEVELL DRAYNED.
Deping Fen
Great Portland
Crowland Fens
Alderland
Thorney Fen
Part of Wisbeche high Fen
Waldersey
Peterborough
Wrington
Peston
Stamground
Farsett
Yaxley
Stilton
Holme
Coningtun
Sutrey
Upwood
Wyton
Warboys
Somersham
Bluntsham
Over
Sts Ives
Ouse flu.
Nene Flu.
Morton's Leame
Wittlesey Moore
Holm Common
Ramsey Moore
Wisbeche
Wisbeche North Side
Wisbeche South Side
The Horse Shoe
Peterborough great Fen
for Werington water
by Peakirk drains
Peakirke drains
Thorney dikes
Gore dike
Car dike
Oxey lode
Glass moore
Ranson Moore
Field Common
Stony Fen
Chatteris
Ramsey
Berry
Ugg Moore
Holme Common
416


Stow bridge
Stow Hall
The old Padike
Needham drove
Coston lode
Burdock Fen
Buck Fen
Ostwell Comon
New Padike
Mayfield cut with bank
Sabers lode
Mill Creake
North delfe
Needmore Ditch
Downham market
Denver
Bexall
The Grange
Wretton
Stoke
Uplands of Norwold
Ryston
Fordham
Roxam Fens
Roxam drove
Norwold Comon
Mattould lode
Mattwold
Wissey mouth
Holgay
Stoke River
Sams Cawsey drove
Stradsett
Feltwell
Stoke lode
Feltwell South Fen
Hockwould
Wilton
Brandon
Brandon River
Common
Old Bedford River cut bank
Whelp mere
Lakenheath
Lakenheath new lode
Wainford
Drove way
Westmore
Lidgate
Brow Fen drain
Grange Fen drain
Mildenhall drove & drains
Mildenhall lode
Mildenhall River
Isleham Lode
Farswell
Byall Fen
Downham
Church
Ely
Cousway
Mildenhall
Isleham
Worlington
Mepall
Wicham
Wicksford
Wingford
Soham new drains
Soham
Soham Meere
Fordham
Hadenham
Wilberton
Stretham
Stretham Meere
Wicken
Leaward
Wilberton Fen
Burwell lode
Burwell old lode
Burwell new lode
Burwell
Ewell Fen
Rocke
Swaffham drove
Swaffham priors
Cottenham
Rampton
Waterbeche
Bottsham lode
Swaffham Bulbeck


The MAP of the GREAT LEVELL DRAYNED.
Deping Fen
Great Portland
Crowland Fens
Aldorland
Thorney Fen
Part of Wisbeche high Fen
Peakirke drains & drove
Morfens Leame
Waldersey
Waldersey old banke
Wisbeche
The Horse Shoo
Lawrington
Wisbeche North Side
Wisbeche South Side
S. Maries
Peterborough
Peterborough great Fen
for Werington water
by Peakirk drains
Werrington
Paston
Oxney lode
Thorpe house
Stamground
Farsett
Yaxley
Stilton
Holme Common
Holme
Coningtree
Sautrey
Upwood
Wistow
Ramsey
Warboys
Somersham
Blunsham
Holywell
St Ives
Wittlesey Meare
Ramsey Meare
Stony Fen
Chatteris
416


Stow Hall
Stow bridge
The old Padike
Common lode
Bexall
The Grange
Wretton
Stoke
uplands of Norwold
Dorcham Abby
Roxam Fens
Roxam drove
Norwold Comon
Mathwold
Stoke River
Wissey mouth
Holgay
James Court drove
Feltwell
Feltwell South Fen
Hockwold
Wilton
Brandon
Common
Whaly more
Old Dyke
Brandon River
Lakenheath
Wairford
Lakenheath lode
Hildenhall drove & drains
Drove Ten bank
Westmore
Littleport
Mildenhall lode
Forfwell
Hildenhall River
Mildenhall
Byall Fen
Eliy
Coupney
Isleham
Worlington
Sohem new drove
Sohem
Sohem Moore
Fordham
Wicken
Leaward
Burwell lode
Burwell
Reche
Swaffham priors
Swaffham Bulbeck
Waterbeche
Bottom lode
Wilberton Fen
Cottenham
Rampton
Earll Fen
Andrey
Madenham
Wilberton
Stretham
Wicken
Maxall
Wicken
Wicksford
Wingford
Sutton
Downham
Churchham
Old Bedford River and Bank
Old Dyke
Mid Level Fen and Drains
Mid Level Bank
Stow Fen lode
Saltreys lode
Boarden Ea.
Burdolf Fen
Buck Fen
Ostwell Comon
Nordelfe
Nordmore
Glare lode
Roxam drove
Wissey mouth
Soham Fen
Fulsey Fen & Kings Fen
Common
Drove Way
Grunty Fen drain
Stoke lode
Feltwell South Fen
Lakenheath lode
Mildenhall drove & drains
Drove Ten bank
Mildenhall lode
Forfwell
Mildenhall River
Isleham drove
Sohem new drove
Sohem Moore
Stretham Moore
Burwell lode
Reche old lode
Reche new lode
Bottom lode
Swaffham lode
Swaffham priors
Swaffham Bulbeck
Waterbeche
Rampton
Cottenham
Wilberton Fen
Earll Fen
Andrey
Madenham
Wilberton
Stretham
Wicken
Maxall
Wicken
Wicksford
Wingford
Sutton
Downham
Churchham
Byall Fen
Eliy
Coupney
Isleham
Worlington
Fordham
Leaward
Burwell
Reche

For the general Drayning of Lindsey Level.

CHAP. LV.

Lindsey * *Level*, Extending from Bourne to Lincolne.

* So called by reason that *Robert* Earl of Lindsey became the principal undertaker for Drayning thereof.

IF this, though I might have, not incongruously discourst, under my title of Kesteven and Holand: yet, forasmuch as 'tis (in truth) a part of the *great Levell* beforementioned (however not so now taken notice of in Common reputation) I have thought it more proper to speak of it here.

a Printed paper, intituled the Earl of Lindsey's title &c.

The first [a] general attempt towards the Drayning of this part of the Country (whereof I have taken notice) was upon a complaint of the Inhabitants at a Session of Sewers held at Sempringham in the 8 year of the late Queen *Elizabeth*'s Reign, the Earl of Lincolne, high Admiral of England, with several other persons of quality, being then Commissioners: Whereupon a general Tax was laid, for repairing and enlarging the Drayns and Sewers, to carry off the waters, which then annoyed these parts: But little was done to any purpose herein, as it seems: for it appears, that at another Session of Sewers held at Swinstede in the 17 year of that Queens Reign, the Country complained, that they were drowned more than formerly; so that the Commissioners then decreed, that those Drayns which the Duke of Suffolke and others had ordained to be begun, about the latter end of King *Henry* the 8 time; as also some others, should forthwith be set upon; and laid a Tax accordingly: But no payment of that Tax being made, the work proceeded not.

Nor was there any farther considerable attempt therein (whereof I have heard) till [b] the 5 year of the late King *Charles* (of blessed memory) that Sir *Anthony Ireby* Knight, Sergeant *Callice*, and other Commissioners, finding all former essays fruitless, by reason that the Inhabitants would never pay the Taxes, and that the lands being surrounded had no Cattel upon them for distress; and considering that the King (as 'tis observable in all the Statutes of Sewers) was to give direction in works of this nature; they did by their Letters represent to his Majesty the necessity of Drayning these lands, and the Commodity which might accrue thereby; humbly beseeching him to recommend some person of Honour, to contract with them as Undertaker for performance of that work.

b Ibid. 5 *Caroli*.

The King therefore, understanding [c] their design to be, for the Drayning of all the surrounded Fens, on the North side of the River of Glen, in this County of Lincolne; referred the view of those, lying on both sides the Rivers of Fosse, and Wythom, from beyond the City of Lincolne to Kyme Ea, unto Sir *Henry Vane* Knight, Sir *Robert Carr* Baronet, and others; who in order to that good work, did in a Session [d] of Sewers held at Sleford, 26 *Febr.* 8 *Car.* (where were also present and Commissioners, *Robert* Earl of Lindsey, *Theophilus* Earl of Lincolne, the Lord *Willoughby*, Sir *Henry Fines*, and others) lay a Tax of *xiij* s. *iiij* d. the Acre, for the scouring and clensing of the said Rivers, and all Gotes and Drayns &c.

c Ex bundello Decretorum in Officio vocato the Petty-bag.

d Ibid. 26 *Feb.* 8 *Car.*

For the general drayning

within those precincts, to be imposed upon all the Landholders in the said low grounds, and to be paid before the *ix.* of *April* then next following. And for the better furthering, and compleating thereof, the said Commissioners [c] meeting again at **Boston** upon the second of *March* then next ensuing, reciting their Decree so made at **Sleford**, did extend their said Tax of *xiij*s. *iiij*d. the Acre, to the other parts of that Level.

c Ex bund. Dec. &c. in officio prædicto.

Nevertheless, little was done therein (as it seems) till about three years afterwards; but then the said King, by his Letters [f] Patents, bearing date at **Westminster** 2 *Aprilis* in the *xi.* year of his Reign, directed unto *George* Earl of **Rutland** and others, Commissioners of Sewers for the said Level; recommended unto them *Robert* Earl of **Lindsey**, Lord high Chamberlain of **England** (a person of very great honour) to be the sole Undertaker for the drayning of the whole.

f Ibid.

Whereupon the said Commissioners at another Session [g] of Sewers held at **Sleford** upon the second of *June* then next following, proceeded to a treaty with his Lordship for that purpose; and agreed with him to accept of twenty four thousand Acres, in recompence of his chardges therein: which was then accordingly decreed, [h] the work being to be perfected within the space of six years next ensuing the feast of S[t]. *Michael* th'archangel then following.

g 3 Ibid.
h 3 2 *Junii* 11 *Car.*

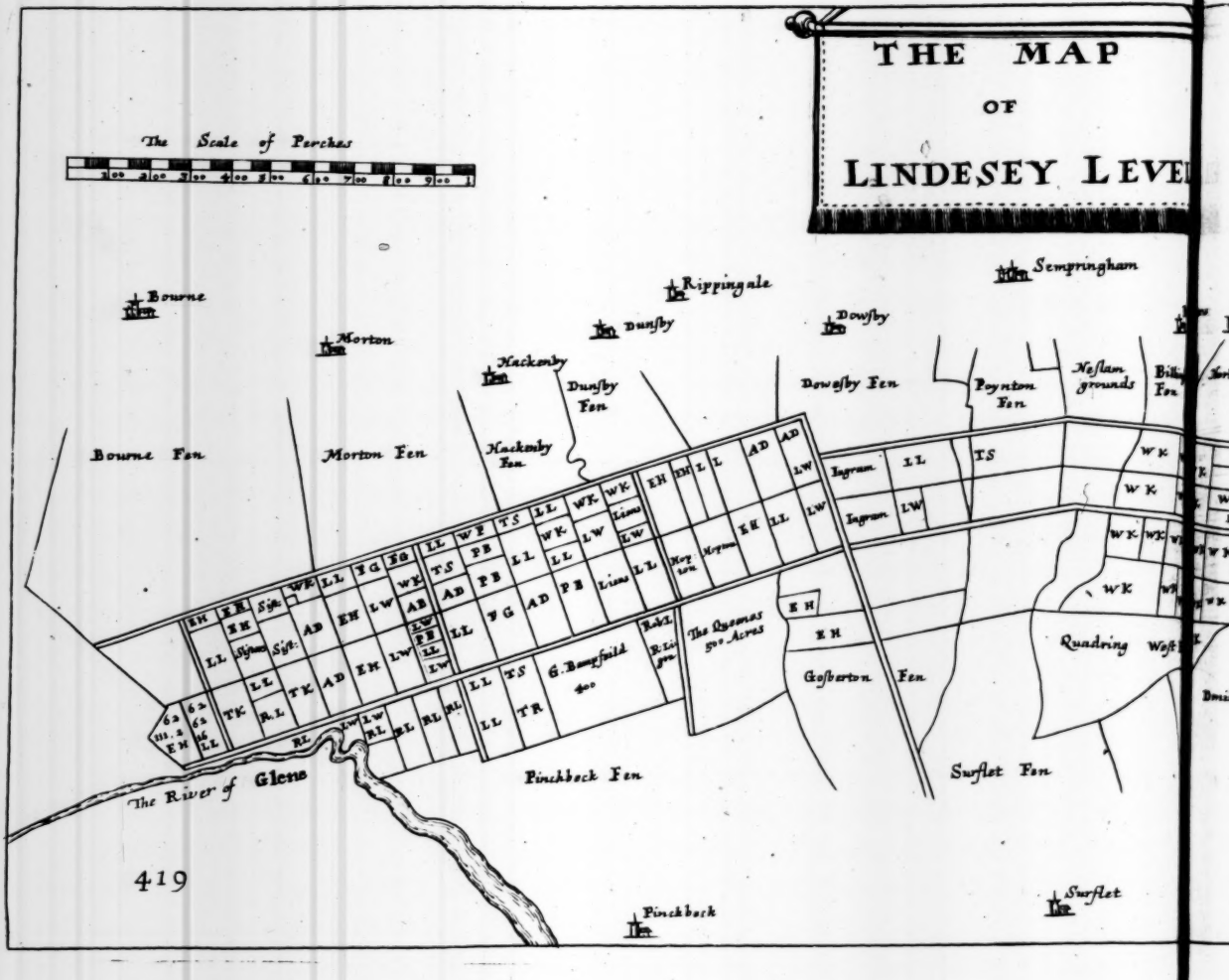
And after this, *viz.* in a Session [i] of Sewers held at **Boston** the 29. of *March* the next year ensuing; recitall being made of that Decree made at **Sleford**, whereby the said Earl of **Lindsey**, for the considerations therein expressed, was to have those twenty four thousand Acres of land, to be indifferently allotted out of the several Fens *&c.* to enjoy to himself and his heirs for ever; *viz.* as soon as ten thousand Acres or more, should be drayned, to have his portion thereof forthwith assigned: As also the like recitall, that upon consideration of the same Decree, and other former preceding Decrees and Ordinances, made at a Session of Sewers held at **Swinsted** upon the *xi.* of *August* then last past; upon full debate and consideration of the former Decrees, and consideration of a true and perfect scedule of all the Fens *&c.* (compriſed in a Decree of Tax, bearing date at **Boston** upon the second of *March* in the eighth year of the said King *Charles*) from **Kyme Ea** South-wards, aswell within the parts of **Kesteven** as **Holand**, to the River of **Glen**, being part of the said Level, mentioned in that Decree made at **Sleford** *&c.* it did at that time appear to the said Commissioners; and then to those present Commissioners at **Boston**, that that part of the Level amounted to thirty six thousand Acres or thereabouts: And recitall being likewise made; that, whereas at the said Session of **Swinsted** it was proposed, that the severals within the said Level, lying from **Kyme Ea** to the River of **Glen**, might not contribute any part of land, to the making up of the said quantity of fourteen thousand Acres, but that the whole proportion should be taken out of the Fens and Commons.

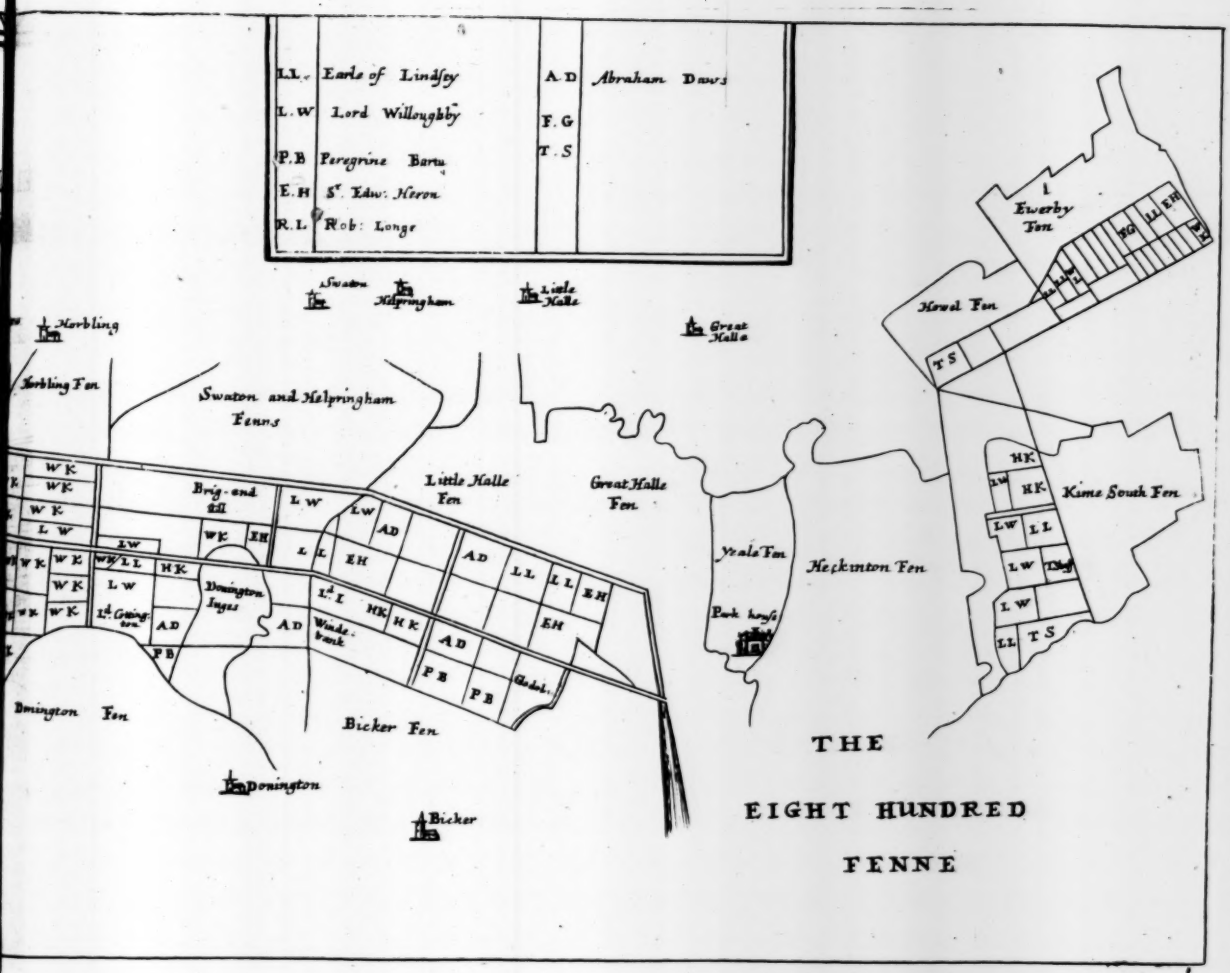
i Ibid. 29 *Martii* 12 *Car.*

of Lindsey Level.

Upon consideration had therefore of the premisses, the said Commissioners, so met at **Boston** upon the said 29. of *March* (as hath been observed) did then Decree unto the said Earl and his heirs for ever, that full number of fourteen thousand Acres, to be proportioned out of every the said Fens, of that part of the before-specified Level, lying betwixt the River of **Glen** and **Kyme Ea**, as part of the said twenty four thousand Acres, which by the said forerecited Law were decreed unto him; *viz.* Out of the Fens belonging to **Bourne Dyke**, and **Cawthorpe** 1100 Acres: Out of **Moxton** fens 1030. Acres; Out of **Hackonby** fen 600. Acres: Out of **Dunsby** fen 500. Acres: Out of **Repinghale**, **Ringston**, and **Kirkby Underwood** Fens 450. Acres: Out of **Pinchbek** and **Spalding** Northfen 1200. Acres: Out of **Dousby** and **Aslackby** Fens 750. Acres: Out of **Poynton** fen 450. Acres: Out of **Billingborow** fen 400. Acres: Out of **Hoybling** fen 400 Acres: Out of **Swaton** fen 300 Acres. Out of **Helpingham** fen 450 Acres: Out of **Great Hall** fens 650 Acres: Out of **Little Hale** fen 620 Acres:

Out


THE MAP
OF
LINDESEY LEVEL
The Scale of Perches
Bourne
Morton
Hackenby
Dunsby
Rippingale
Dowsby
Sempringham
Bourne Fen
Morton Fen
Hackenby Fen
Dunsby Fen
Dowsby Fen
Poynton Fen
Quadring
Gosberton Fen
Surflet Fen
Pinchbeck Fen
The River of Glen
Pinchbeck
Surflet
419


L.L. Earle of Lindsey
L.W Lord Willoughby
P.B Peregrine Barty
E.H Sr. Edw: Heron
R.L Rob: Longe
A.D Abraham Daws
F.G
T.S
Swaton
Helpringham
Little Halle
Great Halle
Horbling
Horbling Fen
Swaton and Helpringham Fenns
Little Halle Fen
Great Halle Fen
Brig-end Ell
Donington Inges
Bicker Fen
Donington
Bicker
Yeale Fen
Heckington Fen
Howel Fen
Everby Fen
Kime South Fen
THE
EIGHT HUNDRED
FENNE

For the general drayning

Out of **Bicker** fen 700 Acres: Out of **Heckington** fen 450 Acres: Out of **Howell** and **Algarby** fen 150 Acres: Out of **Ewersby** and **Awstrop** fen 400 Acres: Out of **Gosberkirke** fen 600 Acres: Out of **Surflet** fen 400 Acres: Out of **Quadring** West fen 450 Acres: Out of **Quadring** Upfen 400 Acres: Out of **Donington** fen 1000 Acres; and out of **South Kyme** fen 550 Acres.

k Ibid. 11 *Aug.* 13 *Car.*

And in a Seſſion [k] of Sewers held at **Bourne** upon the *xi*th. of *Auguſt* the next year following, there was a ſpeciall aſſignation, in what particular place in each of the Fens before-ſpecified, the quantities ſo decreed, as aforeſaid, ſhould be ſet out; and a certain miſtake concerning **Poynton** fen rectified.

Which ſaid ſeveral Decrees (*viz.* that at **Sleford** 2 *Junii*, 11 *Caroli*; that at **Boſton** 29 *Martii*, 12 *Car.* and this at **Bourne** 11 *Aug.* 13 *Car.* were afterwards in a Seſſion [l] of Sewers held at **Sleford** 25 *Sept.* 14 *Car.* ratified and confirmed.

l Ibid. 25 *Sept.* 14 *Car.*

m Ibid. 14 *Martii*, 14 *Car.*

And in another Seſſion [m] held likewiſe at **Sleford** upon the *xiiij*th. of *March* then next enſuing, the Commiſſioners receiving information by the ſaid Earl; that he had then effectually drayned all the lands between the River of **Glen** and **Kyme Ea**, containing more than thirty five thouſand Acres; and taking view of them, with all the Sluſes, Banks, Sewers, *&c.* therein; did ſo adjudge thereof, and that he had made a full performance of his ſaid undertaking.

n Ibid.

And, laſtly, in another Seſſion [n] held at **Sleford** alſo, upon the 14 of *June* next following, reciting and confirming all the former Decrees: And that whereas but three thouſand Acres were, by the ſaid Law of **Sleford** made 2 *Junii* 11 *Caroli*, decreed for the perpetual maintenance of the works, within the ſaid whole Level; and that the ſaid Earl had, nevertheleſs, at the inſtance of the Commiſſioners condeſcended to ty the ſaid fourteen theuſand Acres for the perpetual maintenance of the ſaid works, made between the River of **Glene** and **Kyme Ea**, over and above the Rent of *iiij*d. the Acre thereupon reſerved to be paid out of the ſaid fourteen thouſand Acres, in caſe the ſaid *iiij*d. the Acre ſhould not be ſufficient, they decreed and ratified the ſame accordingly.

of Lindſey Level. 14 *Junii*, 14 *Car.*

After which, the ſaid Earl and his Participants (having been at no leſs than fourty five thouſand pounds charge therein) did incloſe, build, inhabit, plant, plow, ſow and reap two years without diſturbance: but the third year divers clamorous Petitions were exhibited to the Parliament (then ſitting) by the Country people: Whereupon after examination of Witneſſes, Orders were granted from both Houſes to quiet the poſſeſſion of the ſaid Earl and his Participants, and to ſecure their Crops then upon the land: Nevertheleſs the Petitioners, in contempt of all, entred and deſtroyed the Drains and buildings; as alſo the Crops then ready to be reapt, to a very great value; and have ever ſince held the poſſeſſion, to the great decay and ruine of thoſe coſtly works, and exceeding diſcommodity to all that part of the Country.

For the general drayning of the East and West fen.

CHAP. LVI.

The East and West Fenns.

NOrthwards of this Fenny part of the Country, called **Lindsey Level**, are divers other Marshes lying towards **Waynflete**, the greatest whereof are called by the name of the **East** and **West Fenns**.

Upon a Writ of *Ad quod Dampnum* in 41 *Eliz.* concerning the Drayning of these Fens, it appears †, that the **East fen** (lying betwixt the parts of **Holand** and **Lindsey**) was found to contain five thousand Acres or thereabouts; and that the one half thereof, being the Skirt, Hills, and Out-rings, might conveniently be drayned; but the other half, consisting of deeps for the most part, could not be recovered: and moreover, that the Commons and Severals pertaining to the Towns confining on the said Fen, did then amount to the number of three thousand and four hundred Acres, or thereabouts; all which were at that time surrounded. Whether any thing was done at that time, towards the drayning of those Fens, I am not able to say: but in 6 *Caroli* (15 *Maii*) there was a Decree [a] made in a Session of Sewers held at **Boston**, by *Robert* Earl of **Lindsey** Lord great Chamberlain of **England**, *Edward* Earl of **Dorset** Lord Chamberlain to the Queen, *John Shorey* Mayor of **Boston**, Sir *Robert Killegrew* Vice-Chamberlain to the Queen, Sir *Robert Bell*, Sir *John Browne* Knights, *Robert Callice* Serjeant at Law, and others: which Decree makes this following recital, *viz.* that there was a Law of Sewers made at **Boston** 7 & 9 *Apr.* then last past, by the said Sir *Robert Bell* and others, whereby it appeared, that the grounds hereafter named were overflowed with fresh waters, *viz.* **Dockdike hurne**, from **Armitage** Causey, and **Howbriggs** East, to the River of **Witham** VVest; and from the said River of **Wytham** South, to **Hawthorne** North, from the East end of **Hundell house** grounds, and so along by **Raydyke**, to the North side of **Moorhouse** grounds; from thence by **Marcham**, **Revesby**, East, **Kirkby** and **Hagnaby**, to **Hagnaby** gate; from thence along by **Bar loade** banck, and the West end of **Stickney** Severals, to **Stickney** Graunge: From thence on the North side of **Westhouse** grounds, along to **Blackdyke**: from thence on the North side of **Medam** to **Gamock stake**: from thence directly to the East end of **Hundel house** grounds, from **Stickney** graunge Southwards, on the VVest side of the severals of **Stickney** and **Moordyke** gate East, to **Moordyke** stream South, and the **West fenne** VVest, wherein is included **Westhouse** grounds, the low grounds belonging to **Stickney** grange and **Thorndales**, from **Norlands** lane along between **Sibsey** severals, and the new Drayn, to **Hale** Causey: from thence along to the **Shottells**.

And that all these grounds, as also the grounds mentioned in a Verdict heretofore given up at a Sessiō of Sewers held at **Boston** aforesaid, 16 *Jan.* An. 1629. *viz.* the **East fenne**, extending in length from the severals of **Waynflet** on the East, to the severals of **Stickney** on the VVest: and in bredth from the severals of **Waynflet**, **Friskeney**

† Ex Collect. *Antonii Toothm* Eq. aur. nuper defuncti.

15 *Maii.* 6 *Caroli.*

a Ex bundella Decretorum in Officio vocato the Petti-bag.

For the general drayning

keney, Wrangle, Leake, and Stickney on the South; and the severals of Stichford, Kealey, Toynton, Halton, Stirping and Thorpe on the North, were for the most part surrounded grounds: And likewise that certain severals, and Commons of divers Lords and Owners, belonging to Waynflet and Friskeney, lying between a bank called Fen-dyke bank on the East, and East fen on the VVest; and abutting on the old Drayn called Symon gote towards the South, and upon Thorpe-Dales towards the North, and certain severals of divers Lords and Owners, belonging to Wrangle, lying between the said old Drayn called Symon gote on the East, and Leake severals on the VVest; and abutting upon Lade bank towards the North, and upon the old Fendike bank towards the South, were surrounded grounds most part of the year: And moreover, that the several grounds and Commons of divers Lords and Owners belonging to Leake, lying betwixt the East fen, on the North, and the out-weare Bank on the South; and abutting upon Wrangle severals towards the East, and upon Sibsey wearbank, and Stikney Wydalls towards the VVest; and the severals of divers Lords and Owners of grounds, belonging to Stickney Wydalls, lying betwixt the East fen of the East and North, and abutting upon Valentine dyke towards the VVest, and upon a Drayn leading to Noydyke brigge towards the South, were surrounded grounds in the winter time.

And lastly, that the severals of certain Lords and Owners of grounds, belonging to Toyntons next Spillesby, called the Demesns, lying between the East fen on the South, and a certain Meadow called the East fen on the North, and abutting upon a Drayn called Toynton beck towards the East, and upon Hare hills towards the VVest, were surrounded grounds also for the winter season.

And that it was therefore decreed; that for & towards the natural outfall of Wainflet Haven, Black gote, Symons gote, Wandforster gote, New gote, and Amton gote, and all or part of the same; as also any other antient Drayns as the Undertakers should think or find most necessary to be used; should be enlarged and made deeper as need should require, with all other necessary works for drayning of the said grounds, within the extent of the several recited Commissions of Sewers, bearing date as above is expressed. And that every Acre of Land and Common mentioned in the said Verdict, and expreſt upon the said view, within the extent of the said Commissions, to be overflown with fresh waters, which might receive benefit by the said Drayning, should be taxed and charged with the sum of *x*s. the Acre, to be paid at or before the *xiiij* day of *May* then next coming, unto *William Locton* and *Gervase Scroope* Esquires, or to any one of them: The said Tax being set upon the said lands and Commons, to the end that if it should not be paid, the Commissioners of Sewers might be legally authorised to make bargain for land with Sir *Anthony Thomas* Knight, and the rest of the Undertakers: And the said Tax to remain in the hands, under the Locks and Keys of two of the said parties named, and two of the same Undertakers, the sum being first certainly known to the said Undertakers, by authority of the Court to be ratably paid over to the said Sir *Anthony Thomas* and the rest of the Undertakers, to be nominated by him, their Heirs and Assigns, after the said Drayning should be done, wholly, or in part proportionable. And in default of such payment of the sums of *x*s. so assessed upon every Acre, as aboveſaid; the said Court, at a general Session of Sewers of six Commissioners, whereof three to be of the *Quorum*, should set forth, decree, and establish, such proportion and portions of the said ground, for which the sums aforesaid were not paid, unto the Undertakers, their Heirs and Assigns, in recompence of the said Drayning.

of the East and West fen.

And it was also farther ordered, by authority of that Court, that process should be awarded, *per Curiam*, to the Shireeve of the County of Lincolne, or his Deputy, requiring them to give Summons and knowledge, by way of Proclamation, in all the Market Towns and fitting places for those parts, and within the extent of the said Commissions; that all Lords, Owners, Com-

For the general drayning

moners, and parties intereſſed in any of the grounds aforeſaid, might take and have notice thereof; and that they ſhould not fail to make return of the ſaid Proceſs, at the ſeveral Seſſions of Sewers, to be holden for thoſe parts, at Boſton aforeſaid, the *xv*th. of *May* then next, upon *xl*l. penalty.

VVhich ſaid Decree the ſaid *Robert* Earl of Lindſey, and other the Commiſſioners of Sewers before-ſpecified, did ratifie and confirm. And foraſmuch as it appeared to them, that no part of the Tax ſo aſſeſſed as aforeſaid, was paid in unto the ſaid *Gervaſe Scroope* and *William Loſton*; they proceeded in the execution of the ſaid former Decree, according to the true intent and meaning thereof, and according to his Majeſties directions formerly ſignified by his royal Letters: And therefore, being credibly informed, that for the effecting of the ſaid works of Drayning of thoſe ſurrounded grounds, one great and navigable ſtream and River, ought to be caſt from out of the ſaid Eaſt fenn and grounds; and ſo leading from thence by the ſpace of three miles, or thereabouts, unto the Haven of Boſton aforeſaid; and that one or more very large Gotes of ſtone and timber, and other materials requiſite for the effecting of ſo great a work, ought of neceſſity to be built, at the Haven ſide; and that many other petty ſewers, gutters and ſtreams, ſhould alſo be caſt, to have their courſes to the ſaid main River; and many Bridges built over the ſaid ſtreams; and other matters done, *&c.* at the only coſts *&c.* of Sir *Anthony Thomas* Knight, *John Worſop* Eſquire, *Henry Briggs* Maſter of Arts, and *Hildebrand Pruſon*, whom the ſaid Court did order to perform all thoſe things, within the ſpace of four years from the Feaſt of S*t*. *Michael* the Arch Angel then next coming: which ſaid Sir *Anthony*, *John*, *&c.* were thereupon appointed Undertakers of the ſaid works accordingly: it being alſo decreed, that in conſideration of ſuch their performance, they, their heirs and aſſigns, ſhould have the one half of the ſaid Eaſt fenn; as alſo a third part in three parts to be divided of all the ſaid ſeverals, which ly in or adjoyning to and upon the ſaid Eaſt fenn: and, moreover that he the ſaid Sir *Anthony* and the reſt of his fellow undertakers, for the conſiderations aforeſaid, ſhould have a full fourth part in four parts to be divided, of all the ſaid ſurrounded grounds, lying in the Weſt fenne, and in the ſaid ſeverals thereto adjoyning, butted and bounded as aforeſaid; to have and enjoy in ſeveral after the ſaid Drayning ſhould be ſufficiently compleated: All which parts to be ſet forth by ſix or more of the Commiſſioners of Sewers, preſently after the ſaid Drayning ſhould be finiſhed, as aforeſaid, in the moſt fit and convenient places of the ſaid grounds, whereby the Owners and Commoners of the other parts might hold and enjoy their ſeveral and reſpective intereſts, with the leaſt prejudice, and to and for their beſt advantage.

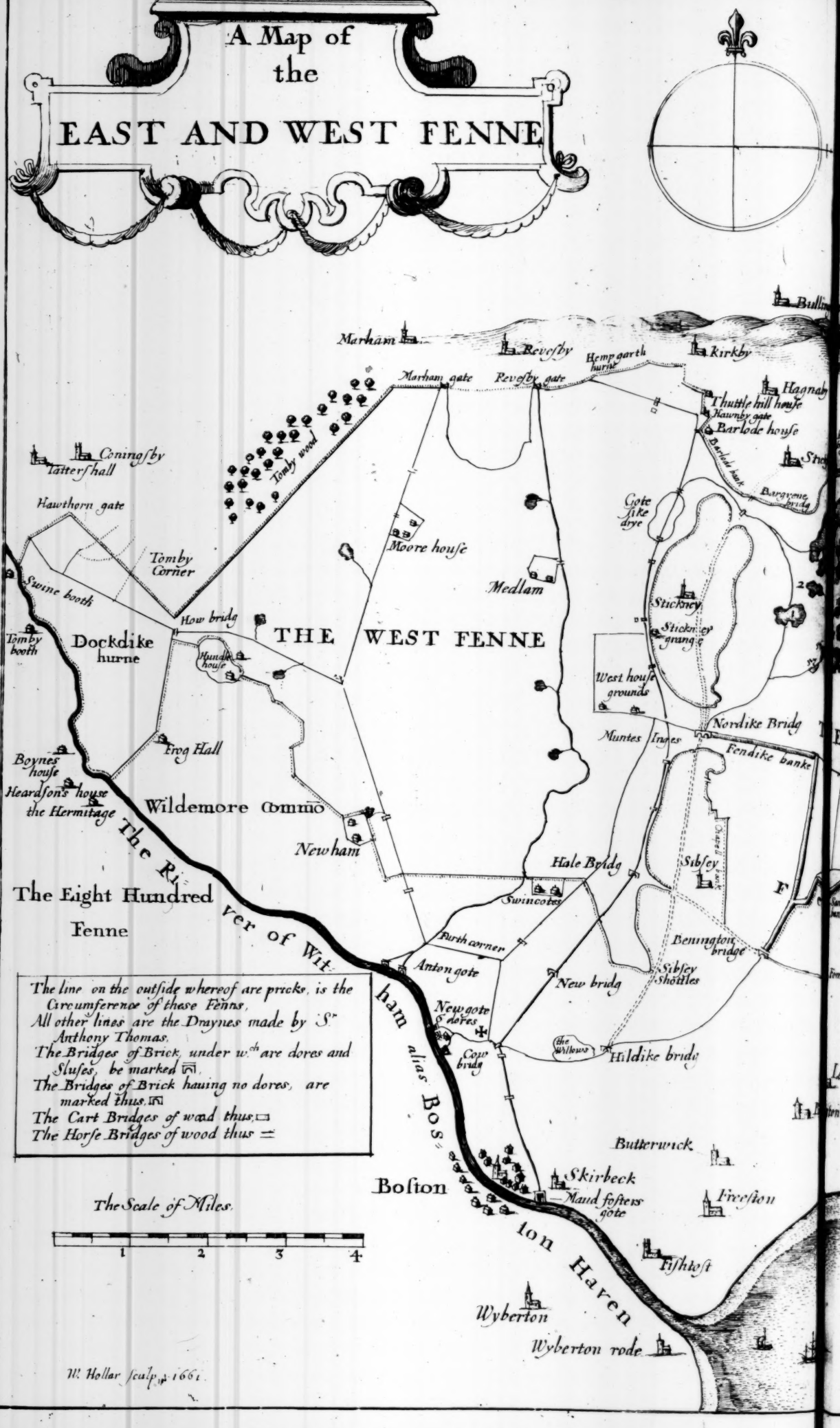
A navigable ſtream from Eaſt fen to Boſton haven.

Eaſt and Weſt fen.

And the ſaid Commiſſioners did alſo decree, that from and after the perfecting of this work of Drayning, the ſaid Lands ſo aſſigned to the before-ſpecified Sir *Anthony Thomas* and the reſt of the Undertakers and their heirs, ſhould be bound by good and ſufficient ſecurity, to and for the coſts and charges to be expended for the perpetual maintenance of the ſaid works; that is to ſay, one thouſand five hundred Acres, whereof five hundred Acres of the ſaid Weſt fenn to be part; and a thouſand Acres of the beſt grounds of the ſaid Eaſt fenn, to be the reſt, yearly to be let out; to the intent and purpoſe, that two thouſand pounds might be levyed and kept in the hands of the Mayor of Boſton aforeſaid, for the time being, to be imployed for and about the repairs of the ſaid works; and the profits of the ſaid grounds to be to the uſe of the ſaid Undertakers, untill the value of five hundred pounds ſhould be ſpent in and about the repairs of the ſaid works; and then the ſaid profits to be imployed and made two thouſand pounds, to be beſtowed from time to time, upon the ſaid works for ever, when occaſion ſhould ſerve.

Provided alſo, that the ſaid Undertakers ſhould compound with the ſeveral owners and fermors of grounds, through which the ſaid new Stream, River, and Gutters were to paſs, for ſetting and caſting their works thereon and

A Map of the EAST AND WEST FENNE



The names of all such Deepes in the East Fenne, as containe any quantities of water.

1 Stock Water
2 Groope
3 Kealecote sikes
4 Stickford sikes
5 Rogger
6 Topple poole
7 Keale Hauen
8 Mose water
9 Steven water
10 Fisher bird hole
11 Little park croft
12 Great park croft
13 Muggill
14 Great Goodin
15 Girdle Gate
16 Cherry hurne
17 Long Water
18 Brightey
19 Bamb weare
20 Silver pit
21 Coot mouth hole
22 Wash Ballock
23 Harts Booze
24 Gibhurne nuke
25 Gowple
26 Durtmouth
27 Salter gate
28 Gasp Water
29 Burnt meere
30 Burnt meere holes
31 Ell lade
32 faire Fishes S.
33 Faire Fishes N.
34 Emholme
35 Thorow fare
36 Keale dikes W.
37 Keale dikes E.
38 Swinham lade
39 Domine
40 Matlade
41 Matlade flottons
42 Yewell water
43 The Skires
44 Cow mouth
45 Robb water
46 Middle water
47 Dobbin
48 North lade
49 Iack water
50 Kings fishing
51 Smith nuke
52 South lade
53 Bill water
54 Bill water Clotton
55 Madghill water
56 Goodin draughts
57 Beane sike
58 Leake meere
59 Starr gate
60 Kyme pitts
61 Small pitts not considerable

East Keale
East Keale upper Toynton
lower Toynton
Stone in Kele mgs
Toynton beck
Helton Steping
Uperosts
Farsby
The River of Grimes dikes alle Lambe
Farsby clow
Crostes
Fendike bank
The Deepes in the East Fenne
Thorp fendike Shelter
Thorpe
White Crose Fendike banke
All Hallows
Queenes gote
Two Sluses 6 dores
Wainflete
White Crose gates 12 doores
S. Maries
EAST FENNE
Fowler fendike
Black gote clow
Lacy Close
Black gote 4 dores
Burro plott gap
Padmore gap
Friskeney
Hodg gote
Ped lane
Infeild banke
Benison brig
Wrangle brigg
Fendike brigg
Leake
Wrangle
Leverton
PART OF
THE MAINE SEA
called the Dutch Sea

For the general drayning

and therein; and if the parties would not agree to take and accept of reasonable compoſition for the loſs of their grounds, whereby the ſaid publick works ſhould or might be hindred or interrupted; then that ſix Commiſſioners of Sewers ſhould ſet rates and prices, and the times of payment; and provide for ſecurity for the ſame.

[b] Ibid. 15 *April.* 7 *Caroli.* Anno 1631.

And at another Seſſion [b] of Sewers, held at **Boſton** aforeſaid, upon the *xv* of *April*, the next enſuing year, recital being made of the Laws before-ſpecified, and of the undertaking of the ſaid Sir *Anthony Thomas*, and his Participants; there was another Decree made; that for their charges therein, they ſhould not only have the one half of the ſaid **Eaſt fen**, and a third of all the ſeverals adjoyning thereto; and likewiſe the fourth part of all the ſurrounded grounds lying in the **Weſt fen**, and the ſeverals thereto adjoyning, limited and appointed to them by a former Decree, but ſome farther augmentation in certain other particular places.

[c] } Ibid. [d] } 16 *Julii* 10 *Car.* Anno 1634.

Whereupon the ſaid Sir *Anthony* and his Participants began [c] the work in *September* following, and proſecuted it with ſo much diligence, that at another [d] Seſſion of Sewers held likewiſe at **Boſton**, upon the *xvi* of *July* 10 *Caroli*, by *Thomas Haughton* Eſquire, Mayor of the Borough of **Boſton**, Sir *Raphe Maddiſon* Knight, *Walter Norton*, *Richard Finſham*, *George Pulton*, *Rouland Hale*, *John Knight* Eſquire, and *Thomas Bedford* Gent.

Upon their view of thoſe late ſurrounded grounds, *viz.* **Eaſt** and **Weſt fenns**, **North fenn**, **Earles fen**, **Armetre fen**, and **Wilde moze fen**, and other the drowned Commons and adjacent ſurrounded ſeveral grounds, lying on the North and North Eaſt of the River of **Witham**, within the extent of the ſaid Commiſſion, undertaken by Sir *Anthony Thomas* Knight, and his participants, they adjudged the ſame to be ſo drayned, as that they were fit for arable, Meadow, or Paſture: And that there was not above fixteen hundred ſeventy and three Acres remaining drowned, of three thouſand Acres of Pits, Holes, Deeps, and hollow places; (which were permitted to be left covered with waters) beſides the Rivers, Drayns, Sewers, and VVater-courſes, within the whole Levell, undertaken by the ſaid Sir *Anthony* and his Aſſociates, to be drained within four years not then expired u'till *Michaelmaſs* next following, according to the before-ſpecified Law of Sewers made at **Boſton** *xv Maii 6 Caroli*; and of another Law of Sewers, made likewiſe in purſuance thereof, at **Boſton** aforeſaid *xv Apr. 7 Caroli.* **of the Eaſt and Weſt fen.**

And in another Seſſion [e] of Sewers held alſo at **Boſton** aforeſaid, upon the *xi* of *Auguſt* the next enſuing year, recital being made of the former Decrees, whereby the one half of the ſaid **Eaſt fen**, and a third part of the ſeverals adjoyning thereto; and a fourth part of the **Weſt fen**, as alſo the fourth part of all the ſurrounded grounds, aſwell Several as Common formerly taxed, lying in the ſaid **Weſt fen**, were decreed to the ſaid Sir *Anthony* and his Participants for the Drayning thereof; the Commiſſioners did fully ratifie the ſame proportions, as they were then ſet out by particular meres and bounds.

[e] Ibid. 11 *Aug.* 11 *Car.* Anno 1635.

CHAP.

For the general drayning of Eight Hundred fen.

CHAP. LVII.

The Eight Hundred *fen.*

THere is likewiſe another great Marſh, lying in this Northern part of the *great Level*, called **Eight hundred fen** (but antiently **Haut huntre fen**) containing twenty two thouſand Acres, the Drayning whereof was undertaken by the late King *Charles* (of bleſſed memory;) and to that end, in a Seſſion * of Sewers held at **Boſton** 28 *Martii*, 13 *Car.* a Decree made, that a Tax of *xx*s. the Acre ſhould be laid upon ſixteen thouſand Acres thereof, to be levyed upon the Inhabitants of **Baytofte**, **Swineſhed**, **Wigtoft**, **Soutterby**, **Alderchurch**, **Foſſe dyke**, **Kirton**, **Frampton**, **Wiberton**, **Hole**, **Dockdike**, and **Boſton**, claiming Common therein.

* Ibid. 28 *Martii*, 13 *Car.*

But this Tax being not paid accordingly, the ſaid Commiſſioners ſitting again at **Boſton** aforeſaid, upon the firſt of *June*, then next enſuing, declared the ſaid King to be the ſole Undertaker for the drayning thereof, and that the work ſhould be perfected within ſix years next after that preſent Seſſion, or any other time that ſix of the ſaid Commiſſioners ſhould limit; and did, for recompence of the charge which ſhould be expended therein, Decree to him the ſaid King, his heirs and ſucceſſors, eight thouſand Acres thereof, to be ſet out by any ſix of the before-ſpecified Commiſſioners, after the accompliſhment of the ſaid Drayning.

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The Lordſhips on the Eaſt-ſide.	*Acr. Ro. Perc.*	The Lords of the Mannors, or chief Owners, that adventured, or Conſented for the Proportions.
Kingerby	25 —0—0	Sir *Thomas Puckering* Lord conſented.
Owersbie	350—0—0	Sir *John Monſon* Lord Adventured.
Thoxton	208—1—11	The Biſhop of *Ely*.
South-Kelſey	419—2—34	Sir *Edw. Aſcough* Lord Adventured.
North-Kelſey	1214--2—3	Mr. *Chamberlain* Conſented for Mr. *Earde*.
Kadney, Hoſham and Newſtead	2010--1—39	Sir *Will. Pelham* Lord Adventured.
Kettlebie	0379-2—01	*Will. Tirwitt* Eſq; Lord Adventured.
Wrawbie, cum Bigge	0645--1--08	
Elſham	0807--2--11	Sir *Sam. Oldfeild* Lord Adventured.
Woxlettbie	1369--3--13	Sir *William Elviſh* Lord Conſented.
Bondbie	0881--0--27	Sir *Tho. Williamſon* Lord Adventured.
Sarbie	1122--0--29	Sir *Mich. Wharton* Lord Adventured.
Hoxſtow	0517--2--16	... *Dorrel* Eſq; Lord Adventured.
Ferrebye	0275--0--27	

The Lordſhips on the Weſt-ſide.	Acr. Ro. Perc.	The Lords of the Mannors that Adventured, or Conſented for the Proportions.
Glentham	0099—3—34	*Ed. Turney* Eſq; Lord Conſented.
Biſhopp Noxton	0325—1—18	*Ed. Whichcote* Eſq; Conſented.
Atterbie Snitterb. & Waddingham	0885—2—10	The King chief Lord.
Waddingham *per ſe*	0707—2—12	Sir *william Thorold* Lord Conſented.
Redburne	0819—0—34	Sir *Thomas Stiles* Lord Adventured.
Hibaldſtowe	0927 —1—07	
Scawbie	0571—1—16	Mr. *Nelthroppe* Conſented.
Caiſtroppe	0582 —2—01	*William Anderſon* Eſq; Adventured.
Broughton	1084 —3—03	
Applebie cum Thoxnham	1645—1—10	*Step. Anderſou* Eſq; Lord Adventured.
Roxbie	0573— 3—37	Sir *Ed. Moleſly* then Lord Conſented.
Winterton	0860—0—11	The King Chief Lord.

1 The Towns are 26
2 The Lords of Mannors that adventured, were 14
3 The Lords of Mannors that conſented, were 10

4 So as the Lords that were the chiefeſt, and greateſt Owners in 24 of the Towns, were either Adventurers in, or Conſenters to the Dreyning, and none of the reſt oppoſed before the work was finiſhed; and adjudged.

5. That Sir *John Monſon* undertook it, as a Servant to the Country, upon the deſires of the Commiſſioners of Sewers, and divers others, leaving every man free to adventure for his own, that thought it a bargain of advantage, or otherwiſe to leave it upon him, to undergo the hazard, and lay down the money for their parts: As appears by——— The Commiſſioners Certificate, and their Petition to the King. The two Exemplifications under the great Seal.

And to ſhew that the Drayning hereof is of a publick advantage to the Kingdom, and hath been the endeavours of the moſt Eminent Perſons concern'd in it, ſince King Edward *the firſt's time, the Records following will make it appear.*

a Eſc. 16. *b* E.1.n.47. *c* Pat.18 E. 1. m.30.in dorſo. *d* Pat. 23. E.1. m.15. in dorſo. *e* Pat. 6. E. 2. p. *f* 1.m.17.in dorſo. *g* Pat.3.E.3.p.1. m. 31. in dorſo. *h* Pat.19. E. 3.p. 1.m.18.in dorſo. *i* Pat.23.E.3. p. 1.m.6.in dorſo. *k* Pat.30.E 3.p.2. m,11. in dorſo. *l* Pat. 36 E.3.p.1. m.6.in dorſo. *m* Pat. 39. E. 3. p. 2. m. 31. in dorſo. *n* Pat.40 E.3.p. 1.m.34.in dorſo. *o* Pat.15.R.2.p.1. m. 37.in dorſo. *p* Plac.coram Rege term. Trin.4.H.4.rot 13.Linc. *q* Pat.6.H.5.p.1. m.21.in dorſo. *r* Pat.22.E.4.p.1 m. 22. In dorſo. *Other Decrees.*

[*ſ* 5. Sept. 12. Jacob.] *t* 2. Aug. 13. Car.] *u* 16. Julii 8. Car.] *w* Ult. Maii 10. Car.] *x* 19. Julii 10. Car.] *y* Ult. Martii 11. Car.] *z* 24. Aug. 11. Car.] *A a* 27. Oct. 14. Car.] *B b* 19. Feb. 14. Car.] *C c* 4. Maii 14. Car.] *D d* Exemplifyed, 24. Feb. 15. Car.

ANNO

ANNO XIII

Caroli II. Regis,

In Parliam. apud Weſtm. inchoato 8° Maii.

An Act for Confirmation of certain Decrees of Sewers made by the Commiſſioners for the limits of the Levell of the River of Ancholme, in the County of Lincolne.

WHereas Sir John Monſon, *in the eleaventh year of our late King of Bleſſed memory,* Charles *the firſt, upon the requeſt of the Commiſſioners of Sewers for the parts of* Lindſey *in the County of* Lincolne, *And to do ſervice for his Country, did undertake the dreyning and improvement of the Fenns and Low grounds lying in thoſe parts upon the River of* Ancholme, *extending from* Humber *to* Biſhop-Brigge, *which were found and adjudged to be hurtfully ſurrounded, both by the view of the Commiſſioners of Sewers, and divers verdicts of Juries impannelled of the ableſt Inhabitants, after ſeveral views taken: And that the dreyning of thoſe Fenns were ever heretofore much deſired by the parties intreſſed therein; and for that the deſigne of dreyning of the ſame was by the opinion of the ſaid Commiſſioners held to be a work not only Honourable but Profitable for the Country; therefore the ſaid Sir* John Monſon, *according to the power and direction of divers Acts and Decrees of Sewers, in that behalf ordeined, undertook the dreyning of the ſaid Fenns and low grounds, and to make them fit for Arable, Meadow or Paſture; yet ſo as he admitted as many of the Lords and Owners, as would adventure with him for their own upon the ſame terms he did, and did at his own and his Participants great expences dreyn all thoſe grounds, Common and ſeveral Fenns, within the parts aforeſaid, between* Humber *and* Biſhopp-Brigge, *conteining by eſtimation above twenty thouſand acres in one intire Level, or work of dreyning; for the doing whereof the Commiſſioners of Sewers have by divers Acts or Decrees of Sewers Ordeined, adjudged, decreed and ſet out unto the ſaid Sir* John Monſon *five thouſand eight hundred twenty ſeven Acres of the ſaid grounds, Commons and Fenns, by certain meets and bounds, whereby the ſame are diſtinguiſhed and known from the reſt of the Commons there; which Decrees, Schedules, and Laws of Sewers, upon the humble Petition of*

the Commiſſioners to his late Majeſty, had His Majeſties Royal aſſent, and were inrolled in the high Court of Chancery, according to the Statute in that Caſe provided, and were exemplified under the great Seal of England, by vertue whereof the ſaid five thouſand eight hundred twenty and ſeven Acres were held and injoyed by the ſaid Sir John Monſon, his Participants and Aſſignes, untill the beginning of the late troubles, the undertaking being performed and ſo adjudged upon the view of the Commiſſioners of Sewers May it pleaſe your Moſt Excellent Majeſty that it may be Enacted; And be it therefore Enacted by the Kings Moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Sir John Monſon, his Participants and Adventurers aforeſaid, and his and their and every of their Heirs and Aſſignes, ſhall have, hold, poſſeſs and enjoy the ſaid five thouſand eight hundred twenty and ſeven Acres ſo ſet out by ſeveral Decrees of Sewers by meets and bounds therein particularly mentioned and expreſſed, whereunto his Majeſties Royal aſſent was had, and by privy Seal certified into his Majeſties high Court of Chancery, and there inrolled and remaining of Record, according to the ſeveral diviſions and allotments ſince ſeverally and reſpectively made between the ſaid Sir John Monſon and his Participants and Adventurers, their and every of their Heirs and Aſſignes, freed and diſcharged of and from all title and Intereſt of the former owners and Commoners whatſoever.

Provided all wayes, and be it Enacted by the Authority aforeſaid; That, if it ſhall fall out at any time hereafter, that the ſaid Fenns and low grounds lying upon the River of Ancholme, between Humber and Biſhopp-Bigge, for which the ſaid Sir John Monſon, his Participants and Adventurers, their Heirs and aſſignes, have their ſaid Recompence of five thouſand eight hundred twenty and ſeven Acres, ſet out for the dreyning of the ſame, ſhall again be hurtfully ſurrounded, in default of the ſaid Sir John Monſon, his Participants and Adventurers, their Heirs or Aſſignes, and ſhall ſo continue at any time for the ſpace of ſix Months together, except ſuch Lakes, Draines, Sewers, and Portions of the ſaid parts, as were excepted upon the Contract, not exceeding two hundred Acres; ſo that the ſame ſhall be found and adjudged defective in default of the ſaid Sir John Monſon, his Participants and Adventurers, their Heirs or Aſſignes, by ſix of the ſaid Commiſſioners for the time being, whereof three to be of the Quorum, And that the ſaid view and Judgment be certified upon record into the high Court of Chancery; then it ſhall and may be Lawfull to and for the Lords Proprietors, and Owners and Commoners of and in the ſaid Fenns and grounds, and their Heirs and Aſſignes, and for every or any of them, to enter into two thouſand Acres of the ſaid five thouſand eight hundred twenty and ſeven Acres to be ſet out and portioned by the ſaid Commiſſioners, ſo that the ſaid Commiſſioners do ſet forth and allot a rateable proportion of the ſaid two thouſand Acres, out of every of the ſaid Lordſhips, and to have, hold, and enjoy the ſame, and their ſeveral Commons therein, in as large and ample manner, as they do and ſhall in the other parts left to them, untill the ſaid parts allotted and left to the ſaid Lords, Owners, and Commoners be by the ſaid Sir John Monſon, his Participants and Adventurers, their Heirs and Aſſigns, or ſome of them, ſufficiently drayned and again recovered at his and their own proper coſt and charges as is aforeſaid. And that after that ſame ſhall be ſufficiently recovered and drained, the ſaid Sir John Monſon, his Participants and Adventurers, their Heirs and Aſſigns, ſhall have and enjoy the ſaid two thouſand Acres as aforeſaid, and ſo in like manner from time to time to gain and loſe their ſaid Paſture and Common in the ſaid two thouſand Acres upon ſuch and the like Certificates and recovery had and made as is aforeſaid for ever.

Provided alſo, that if the Lords or Owners of the Lands and Grounds within any the limits or bounds aforeſaid allotted to the ſaid Sir John Monſon ſhall deſire their Lands again, be it further Enacted, that if they pay to the ſaid Sir John Monſon or his Aſſigns, the principal money by him diſburſed in draining the ſaid Level, with reaſonable damages for the ſame, at or before the firſt day of May, which ſhall be in year of our Lord One thouſand ſix hundred ſixty three; or if any difference ſhall ariſe

or

or happen between the ſaid Sir John Monſon and any of the ſaid Lords or Owners touching the ſaid principal monies diſburſed as aforeſaid, or damages for the ſame, which the ſaid Sir John Monſon ſhall demand; then ſuch ſumm and ſumms of mony for the ſaid Principal and damages, as ſeven Commiſſioners of the Sewers, or any four of them, ſhall by writing under their hands and ſeals within the time aforeſaid upon examination adjudge and think fit; that then all and every ſuch Lords, and Owners of Lands there, ſhall from and after ſuch payment made, have, hold, and injoy, to him and them, and his and their Heirs, all and every ſuch, his and their Lands and Grounds allotted to the ſaid Sir John Monſon, and his Heirs, as fully as if the ſaid Decrees of Sewers, or this preſent Act, had never been had, or made, the ſaid Decrees of Sewers, or this preſent Act, or any matter or thing in them, or any of them, Conteined to the contrary thereof in any wiſe notwithſtanding.

Provided alſo, and be it Enacted by the Authority aforeſaid, That for the repairing, future maintenance, and ſupport of the ſaid work for ever in all the parts of it, It ſhall and may be lawfull to and for the ſaid Sir John Monſon, his Participants and Adventurers, their Heirs and Aſſigns, having a hundred Acres of Land within the ſaid Level, or any ſix of them, from time to time, and at all times, when and as often as occaſion ſhall require, to ſet and impoſe Taxes on all and ſingular the Lands allotted and decreed to the ſaid Sir John Monſon, his Participants and Adventurers, their Heirs and Aſſigns; And in caſe the ſaid Taxes, or any part of them, be not paid at the dayes and times for that purpoſe appointed, within the ſpace of twenty dayes after perſonal notice, or by writing under the hand of two or more of the Participants and Adventurers preſent at the laying of the ſaid Tax, left at their dwelling houſes, or in caſe they have not any there, at the houſe of the preſent Tenant or occupiers of any the ſaid Lands, that then the ſaid Participants, their Heirs and Aſſigns, or any ſix of them, ſhall have, and are hereby declared to have, ſufficient power and authority in the Law to make Leaſes for Years or Lives, or abſolute Eſtates in Fee ſimple, of all or any part of the Lands of any perſon, or perſons ſo failing, liable to the ſaid Tax, as the caſe ſhall require, and every ſuch Leaſe, Leaſes, or Sales by them ſo made, ſhall be good and effectual in the Law to all intents and purpoſes whatſoever.

Provided alwayes, and be it further Enacted, That all and every the Lands lying within, or parcel of, or belonging unto the Mannour or Lordſhip of Sarbie in the County of Lincolne, heretofore acted, decreed, allotted, or mentioned to be decreed, or allotted, by vertue or colour of the Acts and Decrees of Sewers before mentioned, or any of them, unto Sir John Monſon Knight of the Bath, and now Baronet, or ſome of the Adventurers or Participants, amounting to three hundred and ſifty Acres, three Roods and twenty Perches of Land, be the ſame more or leſs, parcel of the premiſes, by the ſaid Sir John Monſon and others dreyned as aforeſaid, are hereby fully and abſolutely veſted and ſettled in Michael Warton of Beverly, in the County of York Eſquire, his Heirs and Aſſigns, for ever, by and according to the limits, meets, and bounds in the ſaid Decrees and Schedules, Lawes of Sewers, or any of them expreſſed or mentioned; and that no perſon, or perſons, ſhall hereafter, under any pretence or colour whatſoever, trouble or moleſt by any wayes or meanes the aforeſaid Michael Warton, his Heirs and Aſſigns, for any part or parcel of the aforeſaid three hundred and fifty Acres, three Roods and twenty Perches of Land, or any other of the Lands and Grounds in the ſaid Mannor of Sarby ſo dreined, but to be held, and injoyed by the ſaid Michael Warton, his Heirs and Aſſigns, freed and diſcharged of and from all title of intereſt of Common and Commoners, and all other titles, intereſts, properties, and claimes whatſoever; but with this limitation nevertheleſs, that the ſaid Sir John Monſon, his Heirs and Aſſigns, performing an Award heretofore made by Sir Francis Cobb Knight, Dated the fourth of January, One thouſand ſix hundred and ſixty, between the parties aboveſaid, the ſaid Michael Warton ſhall pay ſuch ſumm or ſumms of mony, as is contained in the ſaid Award, any thing in this preſent Act conteined to the contrary notwithſtanding.

Provided alwayes, and be it further Enacted, That all and every the Lands lying within, or parcel of, or belonging unto the Mannor, or Lordship of Worlaby *in the said County of* Lincolne, *heretofore Acted, Decreed, allotted, or mentioned to be decreed, or allotted, by vertue or colour of the Acts and Decrees of Sewers before mentioned, or of any of them, to Sir* John Monson *Knight of the Bath, and now Baronet, or some of the Adventurers or Participants, amounting in all unto four hundred and sixty Acres, be the same more or lesse, parcel of the premises, by the said Sir* John Monson *and others dreined as aforesaid, are hereby fully and absolutely vested and settled in the Right Honourable* John *Lord* Bellasise, *Baron of* Worlaby, *his Heirs and Assigns for ever, with this limitation, that the said* John *Lord* Bellasise *shall allow for the said four hundred and sixty Acres, such rates proportionable for every Acre thereof within the Mannor of* Worlaby *aforesaid, as is agreed to be payed by* Michael Warton *of* Beverly *Esquire, to the said Sir* John Monson *for the dreined Lands lying within or belonging unto the said Mannor of* Sarby, *according to the aforementioned Award made by the said Sir* Francis Cobb.

And whereas there was one thousand pounds of lawfull English mony formerly paid by the said Lord Bellasise *to some of the Adventurers, for some parts of the said four hundred and sixty Acres; Be it provided, and hereby further Enacted, That the said payment of the said one thousand pounds so formerly paid as aforesaid by the said Lord* Bellasise, *shall stand, be allowed, and accompted in full satisfaction for the whole four hundred and sixty Acres, and not in satisfaction of some parts thereof only upon account, Nevertheless according to the foresaid rates mentioned as to the Mannor of* Sarby *in the said Award of Sir* Francis Cobb; *and that no person, or persons whatsoever, shall hereafter, either by vertue or colour of the said decrees of Sewers, or under any pretence or colour whatsoever, molest or trouble by any wayes or means whatsoever the said* John *Lord* Bellasise, *his Heirs or Assigns, for any part or parcel of the aforesaid four hundred and sixty Acres, or any other of the Marrish grounds in the said Mannor of* Worlaby, *so dreyned as aforesaid, and the Lord* Bellasise *to bear his proportionable share of the charges of carrying on and perfecting the said work for the future, any thing in this Act conteined to the contrary notwithstanding.*

Provided alwayes, That this Act or any thing therein conteined shall not extend to one hundred Acres of Land, or Marsh ground, situate, lying, and being within the North Carr of Cadney cum Housam *in the County of* Lincolne, *which one hundred Acres heretofore was and yet is the Inheritance of Sir* Edward Rosseter *of* Summerbie *in the said County of* Lincolne *Knight, and heretofore dreyned by Sir* John Monson *Knight of the Bath, and now Baronet, undertaker for the dreining of that Level, his Participants, or some of them.*

And be it further Enacted, That the said one hundred Acres of Land be settled and vested, and the said one hundred Acres are hereby settled and vested in the said Sir Edward Rosseter, *his Heirs and Assigns for ever; but with this expresse limitation, that for the future the said one hundred Acres of Land shall be liable to their respective proportions and rates hereafter to be set upon them, in the payment of all Taxes, and other duties necessary for the perfecting and maintaining of the said work for ever, in such way, method and manner, and according to such Acts, Orders, and decrees of Sewers, as shall be lawfully made to that purpose, the said Sir* Edward Rosseter *and his Heirs also performing such other Covenants and agreements, whith are already mutually agreed on, the said Sir* Edward Rosseter *also paying, in consideration of the charges already expended, to such participant, under whose allotment the said one hundred Acres may fall, such summ, and summs of mony, as shall be expresly set down in writing, as equal, under the hand and Seal of Sir* Matthew Appleyard *Knight, and* Charles Hall *Esquire, before the first day of* August, *which shall be in the year of our Lord God, one thousand six hundred sixty and two. And in case the said*

ſaid Sir Matthew Appleyard, *and* Charles Hall, *ſhall not agree as aforeſaid, that then Sir* Robert Bolles *of* **Scampton** *in the County in* **Lincolne** *Baronet, ſhall have and hereby hath power fully to determine the whole, before the firſt day of* October, *one thouſand ſix hundred ſixty and two.*

Provided, that whereas there is a controverſie ariſen between the Lord Biſhop of **Ely** *and Sir* John Monſon *and his Participants, concerning ſome Lands lying in the Mannor called the Mannor of* **Thoynton** in the moor, *in the County of* **Lincolne**, *in the parts of* **Lindſey**, *being part of the poſſeſſions of the Biſhoprick of* **Ely**, *It be referred to Sir* Edward Turner *Knight, Speaker of the houſe of Commons in this preſent Parliament, to examine, award, adjudge, and finally determine, according to equity, what portion or parts within the ſaid Mannor, or Land within the ſaid Mannor, ſhall be allotted to the ſaid Sir* John Monſon *and his Participants, in recompence of his or their dreyning and melioration thereof; And that if ſuch award and adjudication ſhall not be made before the firſt of* May *one thouſand ſix hundred ſixty and three, That then the ſaid Lord Biſhop of* **Ely**, *or his Aſſigns, ſhall have, and enjoy the full and quiet poſſeſſion of the ſaid Mannor, and every part thereof, untill ſuch award and adjudication ſhall be made, any thing in this Act to the contrary conteined notwithſtanding: And in caſe the ſaid Sir* Edward Turner *ſhall happen to die before the ſaid firſt day of* May, *one thouſand ſix hundred ſixty and three, or ſhall decline the ſaid reference, That then and from thenceforth all the matters and things conteined in this proviſo ſhall be referred to the Lord Chief Juſtice of the Common Pleas for the time being, to hear and determine the ſame as aforeſaid.*

Provided alwayes, and be it Enacted by the Authority aforeſaid, That neither the Lord Biſhop of **Lincolne**, *nor the Dean and Chapter of the Cathedral Church of* **Lincolne** *aforeſaid, their or any of their Succeſſors, receive any prejudice or damage by this preſent Act; but that their Lands and poſſeſſions be preſerved and kept indempnified, any thing herein conteined to the Contrary in any wiſe notwithſtanding.*

Provided alſo, and be it Enacted, That it ſhall not be lawfull to or for any perſon or perſons concerned in any Covenants or agreements touching the ſaid undertaking, to bring or proſecute any Action, or Actions, or Sutes at Law, or equity, for recovery of damages or ſatisfaction, for or by reaſon of any breach of any of the ſaid Covenants, by any waies or means hitherto had, made or done; but that all perſons concerned in any of the ſaid Covenants, as to any breach of Covenant heretofore made, be for ever diſcharged.

And be it further Enacted and ordained by the authority aforeſaid, That a Commiſſion of Sewers under the great Seal of **England**, *before the firſt day of* May, *which ſhall be in the year of our Lord one thouſand ſix hundred ſixty and two, ſhall be iſſued out to twelve perſons, whereof ſix to be nominated by the ſaid Sir* John Monſon *and his Heirs, and other ſix to be nominated by the Inhabitants and Owners of the Lands upon the Level of* **Ancholme** *lying in* **Winterton** *and* **Biſhop-Norton** *aforeſaid, or by the Knights that ſerve for the ſaid County of* **Lincolne**, *which ſaid Commiſſioners, or any four or more of them, ſhall have full power and authority to inquire, as well by their own view, as upon the Oathes of Witneſſes, which they are hereby impowered to Adminiſter, and to ſend ſummons for, and by all other legal wayes, whether the Owners of the Lands upon the Level of* **Ancholme**, *lying in the ſaid Townes of* **Winterton**, *and* **Biſhop-Norton**, *or either of them, or within the precincts of them, or either of them, have or may receive and ſuſtain any prejudice by Sir* John Monſons *undertaking, for which they ought to have reparation; and thereupon to make ſuch ſatisfaction to the ſaid Owners as ſhall be moſt agreeable to Juſtice or Equity, by reſtoring to the ſaid Owners and perſons damnified by the ſaid undertaking, their Heirs, Executors, and Adminiſtrators, reſpectively, all or any part of the Lands lying in* **Winterton** *and* **Biſhop-Norton**, *by this Act ſettled unto and upon the ſaid Sir* John Monſon, *his Participants and Adventurers, and his and their Heirs.*

And be it further Enacted and ordained, That the ſaid Commiſſioners do make to Sir John Monſon, *and his Heirs, recompence at the ſame time out of the reſidue of the five thouſand eight hundred twenty and ſeven Acres ſettled by this Act on the ſaid Sir* John Monſon, *his Participants and Adventurers, or any owners of any part of the ſaid five thouſand eight hundred twenty and ſeven Acres, according to their ſeveral proportions, having reſpect to the Quantities and Qualities of the Lands that ſhall or may be taken from the ſaid Sir* John Monſon, *and his Heirs, out of* Winterton, *and* Biſhop-Norton *aforeſaid, as in their Judgments ſhall be moſt agreeable to juſtice and equity, which judgment and orders of them, or any of them, ſo as there be four or more of them, ſhall be made and publiſhed in writing under the hands and Seals of the ſaid Commiſſioners, or any four or more of them, before the five and twentieth day of* March *in the ſaid year one thouſand ſix hundred ſixty and three, and that untill the ſaid five and twentieth day of* March *one thouſand ſix hundred ſixty and three, the Lords, Freeholders, Owners, and Occupiers of Lands lying in the ſaid Towns and Pariſhes of* Winterton *and* Biſhop-Norton, *or either of them, and their Heirs, Executors, and Adminiſtrators reſpectively, ſhall continue in the peaceable and quiet poſſeſſion of all and ſingular the ſaid Lands and Tenements, any thing before in this Act conteined to the contrary thereof notwithſtanding: And in caſe the ſaid Sir* John Monſon, *his Participants and Adventurers, and his and their Heirs and Aſſigns, ſhall not within ſix Months next after ſuch Judgment, Sentence, or Order, made and publiſhed by the ſaid Commiſſioners as aforeſaid, upon requeſt to be made by the ſaid Owners, or ſome of them, perform and execute what on his and their parts ſhall be ſo ordered to be performed and executed, that then the ſaid Lords, Freeholders, and Owners of Lands lying in* Winterton *and* Biſhop-Norton *aforeſaid, their Heirs, Executors, and Adminiſtrators, reſpectively, ſhall ſtand and be ſeiſed, poſſeſſed, and intereſted of all and ſingular the ſaid Lands in* Winterton *and* Biſhop-Norton *aforeſaid, in as full and ample manner as they or thoſe under whom they claim, had, held, and enjoyed the ſame before the ſaid Sir* John Monſon *did undertake the ſaid dreining. And in caſe the ſaid Participants ſhall not in like mannor convey to the ſaid Sir* John Monſon, *and his Heirs, the ſeveral proportions awarded to him by the ſaid Commiſſioners, as aboveſaid, That then it ſhall and may be lawfull to and for the ſaid Sir* John Monſon, *and his Heirs, to enter into, hold, and enjoy the ſame to the proper uſe of them the ſaid Sir* John Monſon, *his Heirs and Aſſigns, for ever.*

And for the more fair, and ſpeedy execution of the ſaid Commiſſion, by the time before limited, Be it Enacted and ordained, That in caſe the ſaid Commiſſioners to be nominated by the ſaid parties reſpectively, upon a Months notice before given each to other, of the time and place for the execution of ſuch Commiſſion, ſhall refuſe to joyn and concur in the execution of ſuch Commiſſion, that then four or more of the Commiſſioners to be nominated by one of the ſaid parties only, may proceed in the execution of the ſaid Commiſſion as fully as if the ſaid Commiſſioners on both ſides did agree and concur in the execution thereof.

Provided alſo, and it is further Enacted and Declared, by the authority aforeſaid, That none of the Lords, Owners, or Commoners aforeſaid, ſhall be ſued, or any wayes moleſted, for any entries, or treſpaſſes heretofore made, or done in the ſaid five thouſand eight hundred twenty and ſeven Acres, or any part thereof, ſet out for the ſaid Sir John Monſon, *and his Participants, or for any entries or treſpaſſes that hereafter ſhall or may be made, or done, upon the ſaid five thouſand eight hundred twenty and ſeven Acres, or any part thereof, untill the four and twentieth day of* March *next enſuing; but that they and every of them are and ſhall be, and are hereby releaſed, diſcharged, and indempnified for the ſame againſt the ſaid Sir* John Monſon, *his Adventurers and Participants, and all and every perſon or perſons claiming by, from, or under them or any of them, and that the ſaid Lords, and Owners, ſhall hold, occupy, and enjoy the ſaid five thouſand eight hundred twenty and ſeven Acres, untill the four and twentieth day of*

of March, *next enſuing, without any diſturbance to be made by the ſaid Sir* John Monſon, *his Adventurers or Participants.*

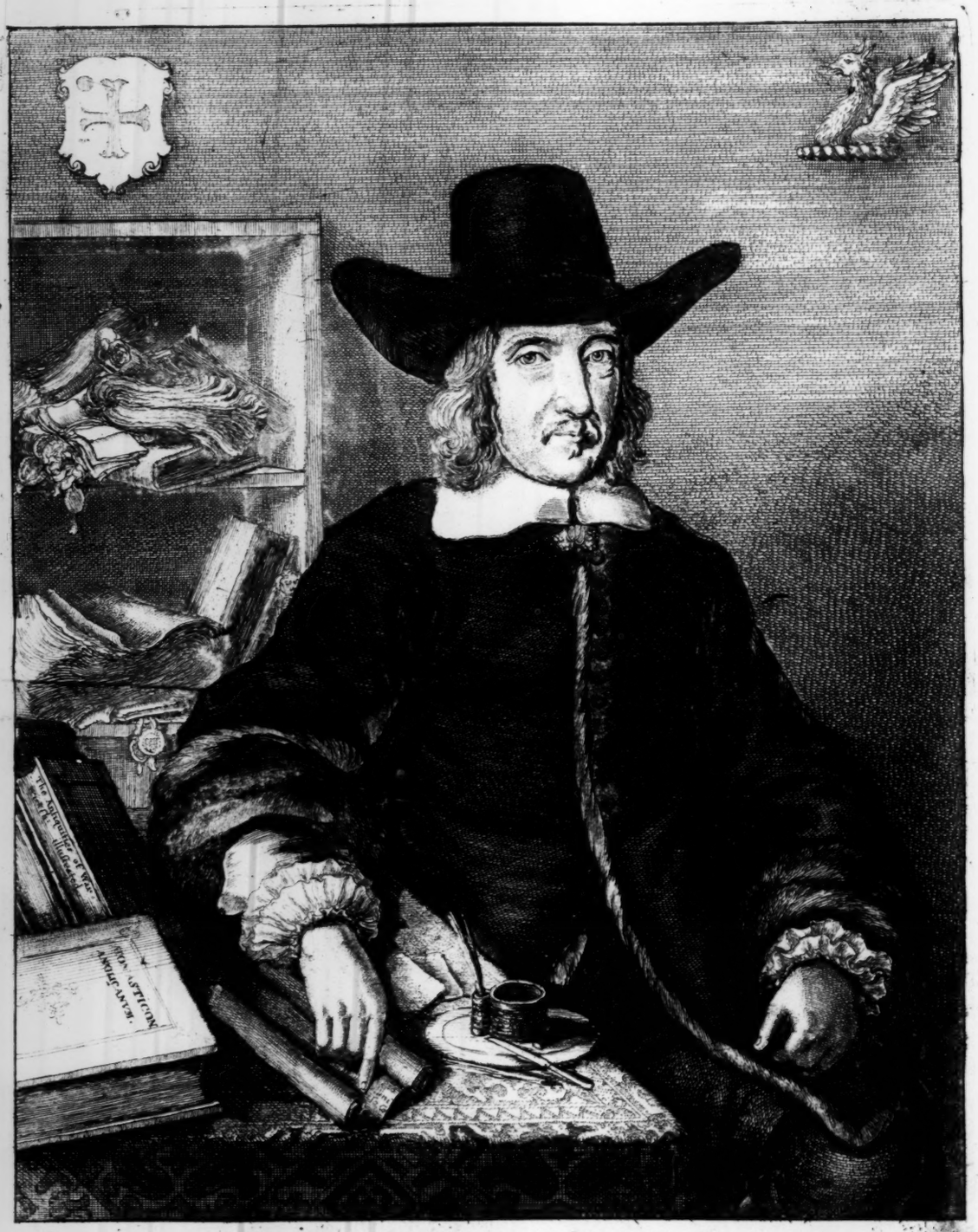
And be it further Enacted by the authority aforeſaid, That if the Commiſſioners of Sewers for the time being, or any four or more of them ſhall adjudge it neceſſary to make any new drain, or cutts through any part of the ſaid Level, and ſhall appoint where and how the ſame ought to be done, that in every ſuch caſe the ſaid Commiſſioners, or any four or more of them, ſhall allot to every perſon and perſons ſuch damages as they or any four or more of them in their Judgments ſhall think any ſuch perſon or perſons ſhall or may ſuſtain by any ſuch new cut or drain, which being in the firſt place paid or tendred unto ſuch perſon or perſons, it ſhall be lawfull for the ſaid Commiſſioners, or ſuch perſon or perſons as they ſhall authoriſe and appoint, to make any ſuch new cut or drain, through any part of the ſaid Level.

And it is further Enacted by the authority aforeſaid, That if it ſhall appear to the ſaid Commiſſioners, or any four or more of them, that the Lands and Grounds in South-Ferraby, *in the ſaid County of* Lincolne, *are or ſhall be undermined, waſhed away, and made worſe by the new Cuts, Drains, or outfalls, That the ſaid Commiſſioners, or any four or more of them, ſhall have power, and are hereby authorized and required to give ſatisfaction to every perſon or perſons ſo dampnified, out of the ſaid five thouſand eight hundred twenty and ſeven Acres, as they or any four or more of them ſhall think fit.*

Ex^{t}.

Copia vera, Jo. Brown *Cleric.*

Parliamentorum.



GULIELMUS DUGDALE
Ætatis. 50. A. MDCLVI.

Ovid:

Nescio qua natale solum dulcedine cunctos
Ducit, et immemores non sinit esse sui.

Wenceslaus Hollar delinr. et fculpsit

THE HISTORY

OF

IMBANKING and DRAYNING

OF DIVERS

Fenns and Marſhes,

Both in

FOREIN PARTS

AND IN THIS

KINGDOM;

And of the Improvements thereby.

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EXTRACTED FROM

Records, Manuſcripts, and other Authentick Teſtimonies,

BY

WILLIAM DUGDALE Eſquire,

NORROY King of Arms.

LONDON;

Printed by Alice Warren, *in the Year of our Lord*

MDCLXII.

Weſt Riding.

In 11 *H.* 4. *Thomas Knight* of **Arkeſey** was attached [f] by *John Faſtolf*, who alleged that he the ſaid *Thomas* ought to repair certain Banks upon the River of **Done**, in reſpect of his lands in **Bentley**: To which the ſaid *Thomas* pleaded, that he ought not.

f Plac. coram Rege term. *Mich.* 11 H. 4 Rot. 69. *Ebor.*

g Ib. rot. 21.

In the ſame year, it appears [g] that the Abbot of **Thornton** was diſtrained for the repair of **Thornton damme**, and **Hamilter damme**, which do reach from **Langdyke** to the River of **Duſe**. But the Abbot pretending errors in the judgment formerly given, required [h] that it ſhould be revoked: and ſo he did likewiſe for **Blaktoft damme**, *alias* **Hanſardamme**, which extendeth it ſelf from **Fulney** to the ſtream of **Duſe**; which Chanel Sir *Richard Hanſard* Knight, and the town of **Blaktoft** ought to repair.

h Ib. rot. 22. & 23.

In 13 *H.* 4. *Gerard Uſſlete*, *Will. Lodyngton*, *Richard Gaſcoigne*, *Thomas Egmantone*, *Guy Rouclyff*, *Will. Roſſelyn*, *Rob. Haldenby* and *John Garton* were [i] conſtituted Commiſſioners for the view and repair of the Banks *&c.* upon the Rivers of **Duſe**, **Done**, and **Eyre**, in the parts of **Merſkland**; and to proceed therein according to the Law and Cuſtome of the Marſh.

i Par. 13 *H.* 4. p. 1. m. 23. in dorſo.

The like Commiſſion [k] in 1 *H.* 5. had *Richard Norton*, *Will. Lodyngton*, *Peter de la Hay*, *John Dronſfeld*, *Robert Barneby*, *Will. Shirewode*, *Thomas Saynpole*, and *Nicholas Braytone*, for thoſe banks *&c.* from little **Smitone** to the River of **Done**; and to do all things therein according to the Law and Cuſtome of this Realm. So alſo in 6 *H.* 5. had [l] *William Lodyngton*, *Richard Gaſcoigne*, *Guy Rouclyf*, *Guy Fairfax*, *Gerard Lodyngton*, & others, for the banks upon the ſaid Rivers of **Ayre**, **Duſe**, and **Done**, betwixt **Turnbigg**, neer **Rouclyf**, & the antient courſe of the ſaid River **Done**, in the parts of **Merſkland**; and to proceed therein according to the Law and Cuſtome of this Realm.

k Par. 1 *H.* 5. p. 3. m. 44. in dorſo.

l Par. 6 *H.* 5. p. 1. m. 21. in dorſo.

In 9 *H.* 5. *Robert Tirwhit*, *John Preſton*, *John Aſke*, *Thomas Clarell*, *Peter de la Hay*, *Richard Gaſcoigne*, *Guy Rouclif*, *Guy Fayrfax*, *John Pigot*, *Robert Rudſtane*, *Thomas Banke*, and *Thomas Aungere* were appointed [m] to view and repair the Banks *&c.* upon the Rivers of **Ayre**, **Duſe**, and **Done**, betwixt **Querkmouth**, and the antient Chanel of **Done**, in the parts of **Merſkland**; and to proceed therein as aboveſaid. The like appointment, [n] in 1 *H.* 6. had *John Preſton*, *James Strangwayes*, *Richard Gaſcoigne*, *Guy Rouclyff*, *Guy Fairfax*, *John Portyngton*, *Thomas Aunger*, *William Stanffeld* and *Will. Outhorpe*, for thoſe banks upon the coaſts of **Ayre**, **Duſe**, **Done**, and **Went**, betwixt **Snayth** and the antient courſe of the River of **Done**, in the parts of **Merſland**: and to proceed therein as aboveſaid. So alſo the year following [o] had *Robert Tirwhit*, *John Preſtone*, Sir *Henry Bromflet* Knight, *John Aſke*, *Peter de la Haye*, *John Ellerker*, *Guy Rouclyf*, and *John Portyngton*, for thoſe *&c.* upon **Duſe**, **Derwent**, **Humbre**, and **Hull**; within the VVapentake betwixt **Duſe** and **Derwent**, the liberty of **Hovedenſhire**, and VVapentake of **Herthill**: and to do all things therein according to the Law and Cuſtome of this Realm.

m Par. 9 *H.* 5. p. 2. m. 4. in dorſo.

n Par. 1 H. 6. p. 1. m. 30. in dorſo.

o Par. 2 *H* 6. p. 2. m. 16. in dorſo.

In 6 *H.* 6. *Iames Strangways*, *Thomas Fulthorpe*, *Guy Rouclyff*, *Guy Fayrfax*, *Will. Aſhowe*, *John Aſke*, and *Thomas Beaulieu*, were conſtituted [p] Commiſſioners for the view and repair of the Banks *&c.* upon the Rivers of **Ayre**, **Duſe**, and **Went**, betwixt **Snaythe**, and the old Chanel of **Done** in **Merſkland**: and to act therein as aboveſaid. And in the ſame year Sir *Robert Bapthorpe*, and Sir *Henry Bromflete* Knights, *Iames Strangwayes*, *John Ellerker*, *John de Aſke*, *Guy Rouclyff*, and *John Portington* had the like Commiſſion [q] for thoſe banks *&c.* within the liberty of **Hovedene**, and VVapentake of **Herthill**; as alſo betwixt the Rivers of **Uſe** and **Derwent**: with power to make ſuch Statutes and Ordinances for the ſafeguard and preſervation of the coaſts within thoſe limits, as ſhould be neceſſary and fit, according to the Laws and Cuſtomes of **Romeney** Marſh: and to do all other things therein according to the Law and Cuſtome of this Realm, and the Cuſtome of **Romeney** Marſh aforeſaid: As alſo to impreſt ſo many Diggers, and other Labourers, upon competent wages, in reſpect of the great and urgent neceſſity to expedite the work, as they ſhould think fit to imploy therein.

p Par. 6 H. 6. p. 1. m. 6. in dorſo.

q Par. 6 H. 6. p. 2. m. 15. in dorſo.

So alſo had [r] *John Ellerker*, *Tho. de Metham*, *Thomas Clarell*, *Robert Willughby*, *Guy Rocliff*,

r Par. 10 H. 6. p. 1. m. 11. in dorſo.

Roclyff, *Richard Wyntworth*, *John Maleverer*, and *John Portyngton*, for thoſe betwixt **Turnbyrg**, and the Rivers of **Done** and **Dute**: And to make Statutes and Ordinances; and to proceed &c. as aforeſaid.

[f] Ibid. And likewiſe [f] Sir *Will. Babyngton*, Sir *Henry Bromflete*, and Sir *Robert Bapthorpe*, Knights, *Thomas Metham* Eſquire, *Guy Roclyff*, *John Portyngton* and *Will. Moſton*, for thoſe within the Wapentake of **Herthill**, and the Wapentake betwixt **Duſe** and **Derwent**, and liberty of **Howedon**: and to act therein as aforeſaid.

[t] Par. 11 H. 6. p. 1. m. 1. in dorſo. So alſo the year following had [t] Sir *will. Rither* Knight, *James Strangways*, *Thomas Clarell* Eſquires, *Guy Fairfax*, *John Thwaytes*, *Robert Maleverer* and *Thomas Lyndeley*, for the Banks &c. upon the Rivers of **Ayre**, **Duſe**, and **Yore**; and to proceed as aboveſaid. And the like in 13 *H.* 6. had [u] *John Ellerker*, *Thomas Metham*, *John Conſtable*, *John Portyngton*, *will. Muſtone*, and *Robert Cawode*, for thoſe in **Wethlonde** betwixt the Rivers of **Dwese**, **Doone**, **Ayer**, and **Went**: and to proceed therein as abovementioned.

[u] Par. 13 H. 6. parte unica. m. 27 in dorſo.

Many other Commiſſions there were to the like purpoſe; and to make Laws and Ordinances, according to the Laws and Cuſtomes of **Romeney** Marſh &c. viz. in 23 *H.* 6. to [w] *John Portyngton ſenior*, *John Nevill*, *Guy Roclyff*, *John Portyngton junior*, *Rob. Roclyff*, *Geffrey Blakey*, and *Peter Perc*, for thoſe Banks &c. in **Merſhlond**, betwixt the Rivers of **Dwese**, **Doone**, **Ayre**, and **Went**.

[w] Par. 23 H. 6. p. 2. m. 25. in dorſo.

[x] Par. 27 H. 6. p. 1. m. 13. in dorſo. In 27 *H.* 6. to [x] *John Portyngtone*, *Rob. Bapthorpe* Eſquires, *Guy Roclyff*, *Alexander Lound*, *will. Moſtone* and *Thomas Maners*; for thoſe in the Wapentakes of **Hertelle**, and betwixt **Duſe** and **Derwent**, and the Liberty of **Holdenſcire**.

[y] Par. 30 H. 6. p. 1. m. 22. in dorſo. In 30 *H.* 6. to [y] *John Portyngton*, Sir *Thomas Metham*, Sir *James Pykering* Knights, *Raphe Babthorpe*, *Guy Roclyff*, *Henry Thwaytes*, *John Vavaſour*, *Will. Moſton*, and *Thomas Maners*, for the ſame Banks, &c.

[z] Par. 33 H. 6. p. 1. m. 17. in dorſo. In 33 *H.* 6. to [z] *John Nevill* Eſquire, *Nich. Girlyntone*, *John Vavaſoure*, *Geffrey Blakey*, and *Henry Bury* for the ſame.

[a] Par. 37 H. 6. p. 1. m. 19. in dorſo. So likewiſe in 37 *H.* 6. to [a] the ſaid *John Nevill*, *John Thwaytes*, *Rob. Drax*, *Raphe Rereſby*, and *Richard Knight*.

[b] Par. 1 E. 4. p. 1. m. 11. in dorſo. And in 1 *E.* 4. to [b] *Guy Fairfax*, *John Vavaſour*, *Rob. Sheſelde*, *Edw. Saltmarſhe*, *Geffrey Blakey*, *John Haldynby*, *John Barker*, and *John Yeland*.

In 5 *E.* 4. to [c] *John* Earl of **Northumberland**, Sir *Robert Conſtable* Knight, *John Pilkyngton*, one of the Eſquires for the Kings body; *John Vavaſour*, *Alexander Lounde*, *Rob. Sheffeld junior*, *Edw. Saltmerſh*, *Rob. Portyngton ſenior*, and *Leonard Knight*, for thoſe Banks &c. in the Wapentakes of **Herthyll**, and betwixt **Duſe** and **Derwent** and liberty of **Holdenſhire**.

[c] Par. 5 E. 4. p. 1. m. 23. dorſo.

In 6. *E.* 4. [d] to the ſame Earl, *Guy Fairfax*, *John Vavaſoure*, *Rob. Sheffeld*, *Edw. Saltmerſhe*, *Rob. Portyngton ſenior*, *Geffrey Blakey*, *John Haldenby*, *John Berker* and *John Yeland*, for thoſe in the parts of **Merſland**, betwixt the Rivers of **Duſe**, **Doone**, **Ayre**, and **Went**.

[d] Par. 6 E. 4. p. 1. m. 15. in dorſo.

In 49 *H.* 6. to [e] *John* Marqueſſe of **Montagu**, Sir *Robert Conſtable* Knight, *Guy Fairfax*, *John Vavaſour*, *Rob. Sheffelde*, *Edw. Saltmerſhe*, *Rob. Portyngtone ſenior*, *Rob. Lucas*, and *Leonard Knyght*, for thoſe in the Wapentake of **Herthill**, and betwixt **Duſe** and **Derwent**, and liberty of **Hovedenſhire**.

[e] Par. 49 H. 6. Parte unica m. 9. in dorſo.

In 13 *E.* 4. to [f] Sir *Thomas Borough* Knight, *Thomas Fitz William*, *John Haldenby*, *Richard Portyngtone*, *John Egmantone*, *Rob. Haldenby*, *Rob. Sheffeld*, *Edward Saltmerſhe*, *John Vavaſoure ſenior*, and *Thomas Belwode*, for thoſe within the bounds of **Marſhland**, betwixt the Rivers of **Duſe**, **Went**, and **Wardyke**; as alſo within the Iſle of **Axholme** in **Lincolnſhire**.

[f] Par. 13 E. 4. p. 2. m. 20. in dorſo.

In 19 *E.* 4. to *Richard* Duke of **Glouceſter**, *Henry* Earl of **Northumberland**, Sir *Robert Conſtable* Knight, Sir *Tho. Metham* Knight, *John Vavaſour ſenior*, *John Vavaſour junior*, *Rob. Sheffeld*, *Edw. Saltmerſh*, *John Aſke* Eſquire; *Rob. Portyngtone* and *Leonard Knyght*, for thoſe in the Wapentake of **Herthill**; as alſo betwixt **Duſe** and **Derwent**, and liberty of **Houdenſhire**.

[g] Par. 19 E. 4. p. unica m. 22. in dorſo.

And in 22 *E.* 4. to [h] the ſame Commiſſioners for all the places aboveſaid.

[h] Par. 22 E. 4. p. 1. m. 22. in dorſo.

Holderneſſe.

Cap. XXIII.

NOr were the improvements of this kind leſſe antient in that part of the County lying nearer to the Sea: for in 13 *E.* 1. the King being informed, that both his own Lands, and the Lands of divers of his good ſubjects, were often drowned, for the want of repairing certain Banks in **Holderneſſe**, on which the violence of the River of **Humbre** had made ſundry breaches, aſſigned [a] *Thomas de Normanvill*, to take a view of them, and to ſee them ſpeedily amended. The like [b] Commiſſion, in 23 *E.* 1. had *Thomas de Weſton*, then Guardian of all the ſaid Kings lands in that part of this Shire. So likewiſe in 1 *E.* 2. had [c] *Miles de Stapeltone* and *Raphe Lelle*: and in [d] 2 *E.* 2. *Will. de Vaus*, and the ſaid *Raphe Lelle*.

In 4 *E.* 2. *John de Liſle*, *Thomas de Fiſheburne*, *John de Sutton*, and *Adam de Hoptune* were conſtituted [e] Commiſſioners for the view and repair of the banks *&c.* betwixt **Hull** and **Paphel**.

In 5 *E.* 2. the King being informed that the Sewer, betwixt the Port of **Hedone** and his Mannour of **Buſtwyk**, wanted cleanſing and repair; and that the chardge thereof, in regard of his Demeſnes there, belonged to himſelf, directed his ſpecial Precept [f] to *Edmund de Mauley*, then his Guardian of that Lordſhip, commanding him to take order for to ſcour and repair the ſame.

In 6 *E.* 2. *Will. de Houke*, *Alexander de Cave*, and *Robert de Sandale*, governour of the Town of **Kingſton** upon **Hull**, were aſſigned [g] to view and repair the Banks upon the coaſts of the Rivers of **Humbre** and **Hull**. So alſo, the ſame year, were [h] *Robert Tiliol*, and *Gilbert de Stapelton*, for thoſe upon the coaſt of **Humbre**, betwixt **Eſingtone** and **Hedone**. And the next year following, the ſame King directed his Precept [i] to the ſaid *Robert de Sandale*, then likewiſe governour of **Hull**, and Guardian of the ſaid Kings Mannour of **Hitone**, that he ſhould take *xl*[l]. of the Ferm of the ſame town of **Hull**, and iſſue of the Mannour of **Hitone** aforeſaid, and imploy the ſaid money, in the repair of the Banks and Ditches upon thoſe Rivers of **Humbre** and **Hull**, according to the diſcretion and view of *Richard de Gretford*, and other honeſt men of that town. And the ſame year, had *Walt. de Faucumberge* the elder, *Herbert de S. Quintin*, & *John de Barton* of **Oſwaldkirke** appointment [k] to view and repair the Banks, that were then in decay, either upon the Sea-coaſt, or coaſt of **Humbre**, within the precinct of **Holderneſſe**, in this County.

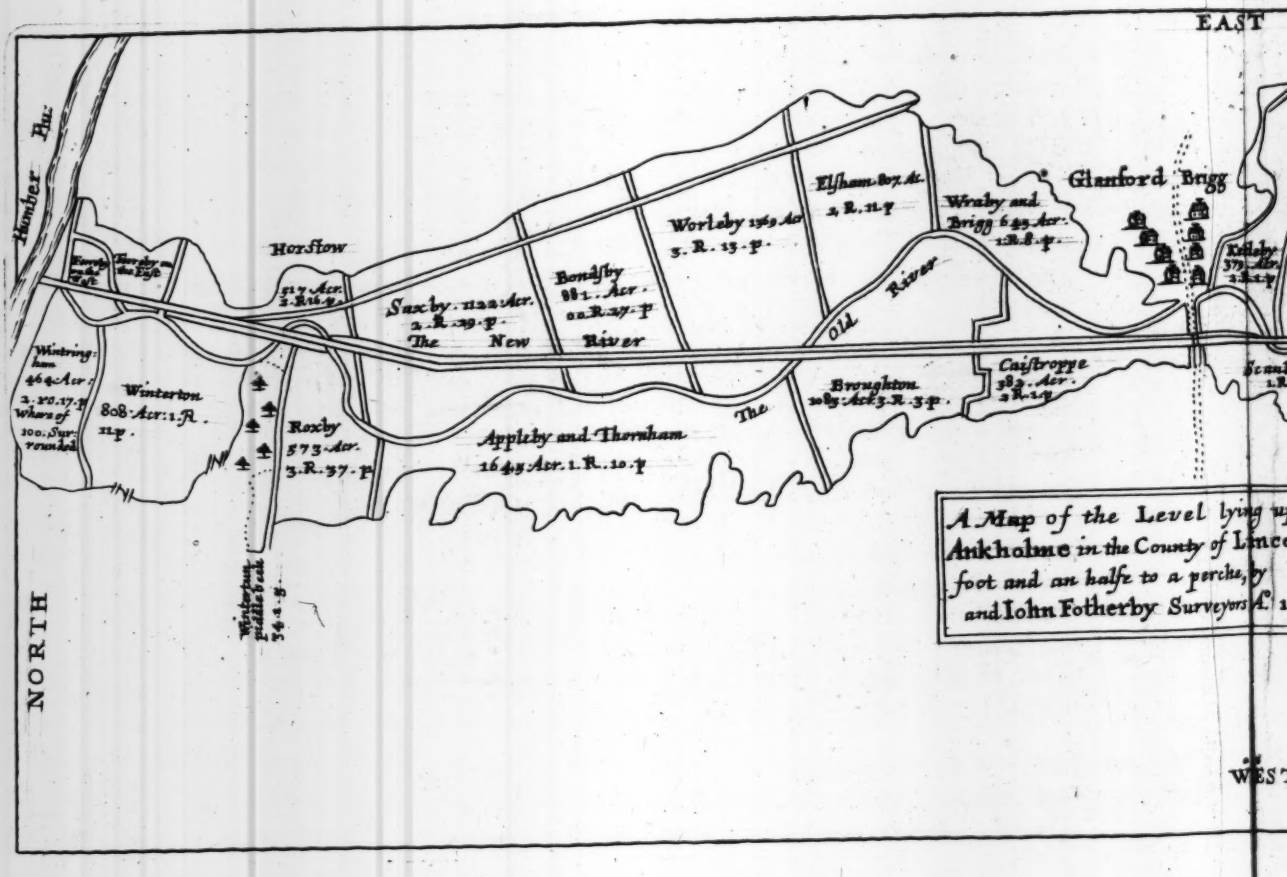
In 9 *E.* 2. *John de L'iſle*, *John de Donecaſter*, and *Robert de Sandale*, were directed [l] to view and repair the banks *&c.* for ſafeguard of the Mannour of **Hytone**, neer **Kingſton** upon **Hull**, which had forcibly and riotouſly been broken in the night time, by *Gerard de Uſeflet*, *Rich. de Anlouby*, *Raphe de Nevill* and others; and to enquire touching that miſdemeanour. The like Commiſſion [m] in 10 *E.* 2. was directed to *Robert de Haſtang*, *Alexander de Cave* and *Robert de Hedon*, to enquire of the breach of thoſe Banks, by *Loretta* the VVidow of *John de Uſſlete*, *John* her ſon, *Gerard de Uſſlete*, and others.

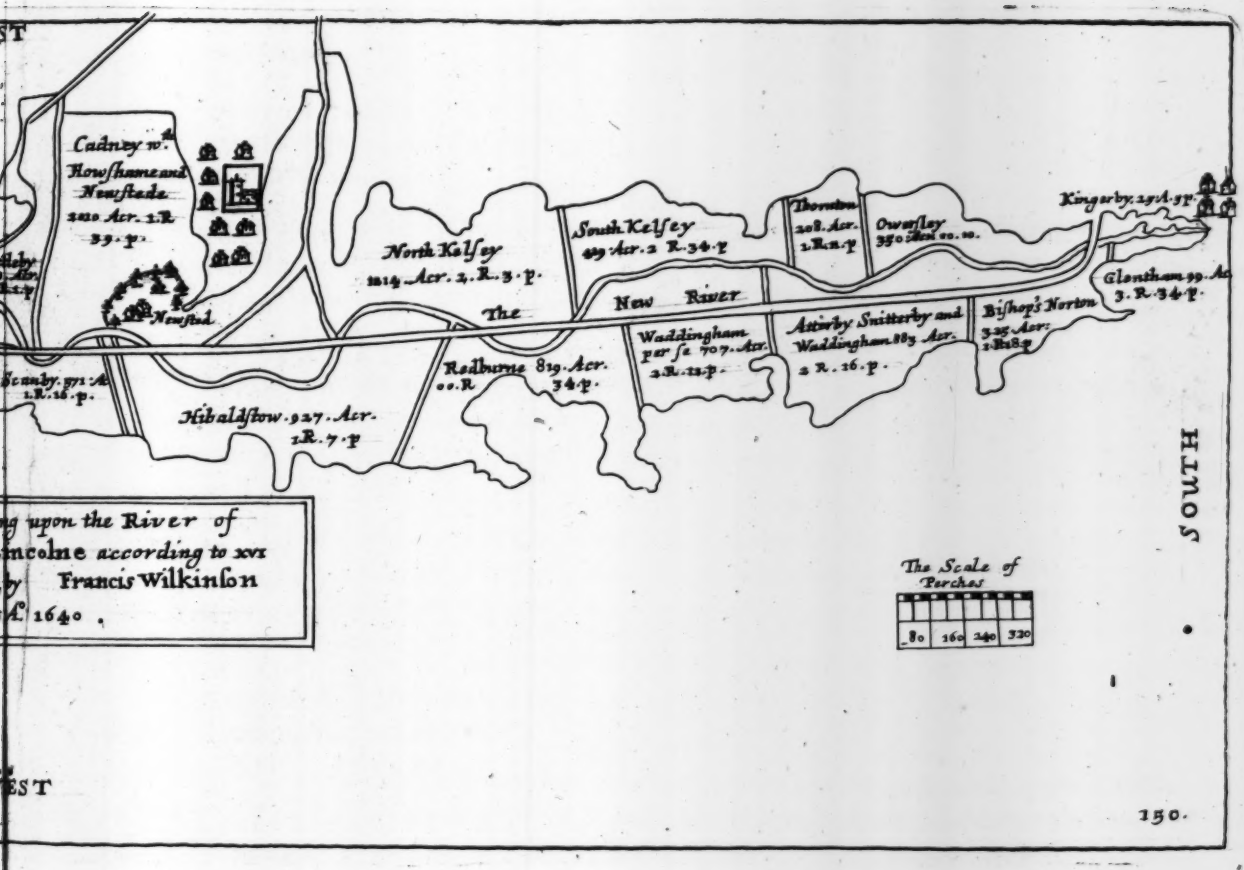
In 12 *E.* 2. *Robert Conſtable* of **Burton**, *Gilbert de Riſhetone*, and *Rob. de Hetone* were aſſigned [n] to view and repair the Banks and Ditches upon the coaſt of the Sea, and water of **Humbre** in theſe parts; and in the Wapentake of **Dykering** in **Yorkſhire**.

The like appointment [o] in 1 *E.* 3. had *Robert de Conſtable*, *Robert de Hedon*, *Rob. de Burton*, and *John de Thwaits*. So alſo in 10 *E.* 3. had [p] *John Sutton* of **Holderneſſe**, *Simon de Grimeſby*, *Thomas de Burton*, and *Amand de Forthingham*.

In [q] 12 *E.* 3. *Margerie* the VVidow of *Robert de Botheby*, and the Burgeſſes of **Hedon** in **Holderneſſe**, did by divers Petitions exhibited to the King and his Council in Parliament, repreſent unto them; that, whereas by a certain Sewer, called the **Sturch**, which goeth from the Town of **Bond buſtwyk**, through the midſt of **Hedon**, unto the River of **Humbre**, and betwixt the lands of the ſaid Kings Tenants of his Mannour of **Buſtwyk**, reſiding at **Bond buſtwyk**, on the one part, and the Lands of the ſaid *Margerie*, at **Ryhill**, on the other,

a Pat 13 E. 3. m. 28.
b Pat. 23 E. 1. m. 7. in dorſo.
c Pat 1 E. 2. p. 1. m. 14.
d Pat. 2 E. 2. p. 1. m. 19.
e Pat. 4 E. 2. p. 1. m. 18. in dorſo.
f Clauſ. 5. E. 2. m. 9.
g Pat. 6 E. 2. p. 2. m. 14. in dorſo.
h Pat. 6 E. 2. p. 1. m. 7. in dorſo.
i Clauſ. 7 E. 2. m. 16.
k Pat. 7 E. 2. p. 2. in dorſo m. 23.
l Pat. 9 E. 2. p. 1. m. 27. in dorſo.
m Pat. 10 E. 2. in dorſo m. 12.
n Pat. 12 E. 2. p. 2. m. 4. in dorſo.
o Pat. 1 E. 3. p. 2. m. 12. in dorſo.
p Pat. 10 E. 3. p. 2. m. 22. in dorſo.
q Pat. 12 E. 3. p. 1. m. 35. in dorſo.

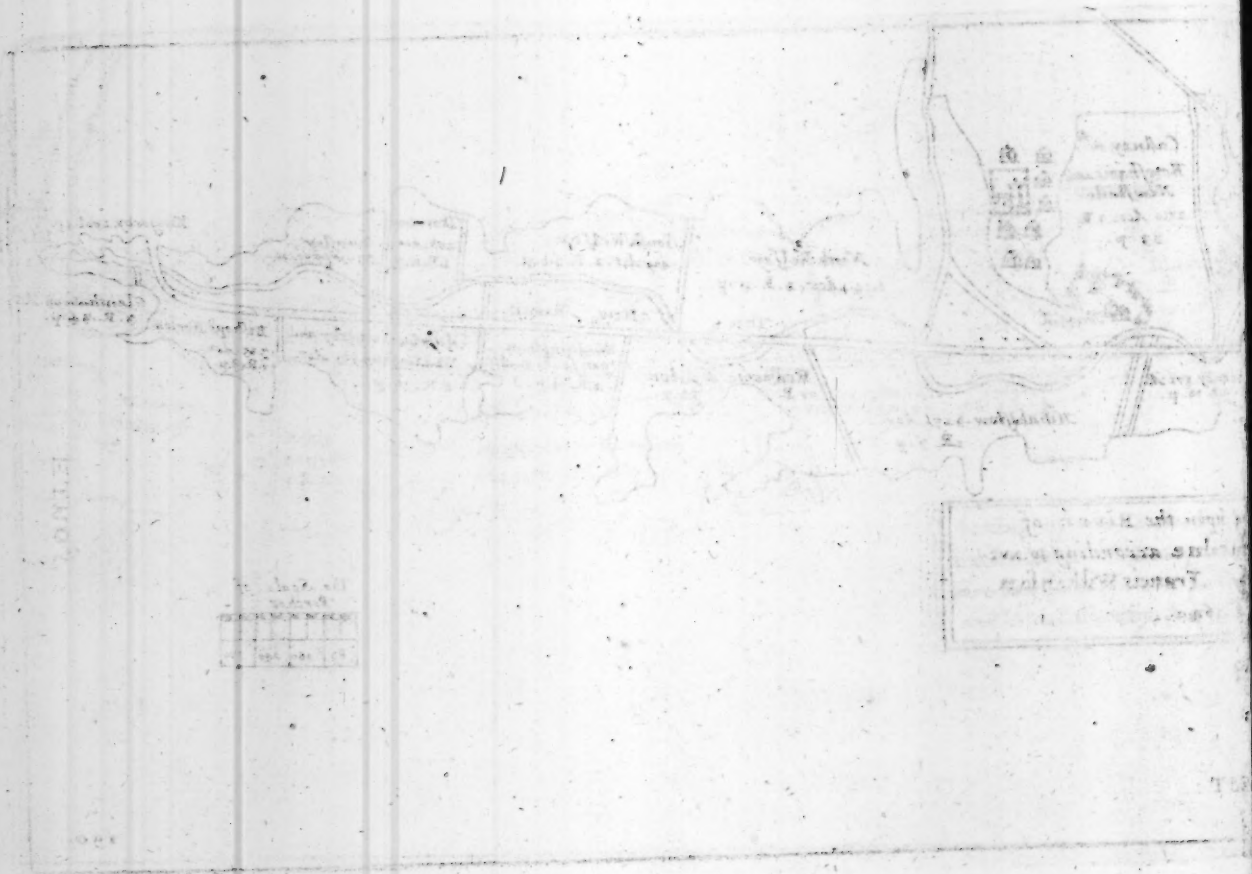

EAST
Humber Riu:
Horsfow
Winteringham 464 Acr: 2. R. 10. P. Where of 100. Surrounded
Winterton 808 Acr: 1. R. 21 P.
Roxby 573 Acr. 3. R. 37. P.
Applebey and Thornham 1645 Acr. 1. R. 10. P.
Broughton 209 Acr 3. R. 34 P.
Caistroppe 382. Acr. 2 R. 1 P.
Suxby. 1122 Acr. 2. R. 29. P.
Bondsby 981. Acr. 02 R. 27. P
Worlaby 1369 Acr 3. R. 13. P.
Elsham 807 Ac. 2. R. 21 P.
Wraby and Brigg 645 Acr. 1. R. 8. P.
Glanford Brigg
The New River
The Old River
A Map of the Level lying
Ankholme in the County of Linc
foot and an halfe to a perche, by
and Iohn Fotherby Surveyors
NORTH
WES



ng upon the River of
incolne according to xvi
by Francis Wilkinson
A. 1640.

EST

150.



ther; all the said lands, on both sides, had been drayned time out of mind, and not by any other Sewer: And that by pretence of a certain Mandate from the said King, under his privy Seal, obtained at the sute of some of his said Tenants, threatning to oppresse the said *Margerie*, and alleging that the course thereof had been newly diverted by her, out of it's antient Chanel: which Mandate being directed unto *Simon de Grimesby*, the said Kings Steward there, requiring him to reduce the same into it's old course, divers trenches were made upon the banks thereof, in the grounds of her the said *Margerie*, at **Ryhill**, through which it extended, in several places, where no current of water had ever been till that time, by a number of armed people in those parts; insomuch as the Lands and Meadows of her the said *Margerie*, which lay neer to that Sewer, were totally overflowed by the tides of **Humbre**; and aswell she the said *Margerie*, in danger to lose the whole profit of her said Lands and Meadows, as those Burgesses, who held the said Town of **Hedon** of the King, by a certain yearly Ferm, and for their better paying thereof, used to receive much Commodity by Boats and other Vessels, that had went to be carryed to that Town by the water of the said Sewer; which by the making of those trenches was then dryed up. The King therefore, for remedy thereof, gave Commission [r] to *John de Stonore*, *John de Molyns*, *Robert Parnyng* and *Hugh de Berwyk*, to view the same, and to rectifie what was amisse therein.

[r] Ibid.

14. E. 3.

In 14 *E.* 3. *Raphe de Bulmere*, *John de Sutton*, *John de Meux*, *Thomas de Burton*, and *Thomas de Cayton*, were assigned [s] to view and repair the Banks *&c.* upon the coast of **Humbre**, in the Towns of **Frismersh**, **Charlesthorpe**, **Kayngham**, **Ryel**, **Burton**, **Pirse**, and **Halsham**.

[s] Par. 14 E. 3. p. 1. m. 17. in dorso.

16. E. 3.

The like assignation in 16 *E.* 3. had [t] *Robert de Hilton*, *Will. L'engleys*, *John le Constable* of **Halsham**, and *Walter de Waldegrave*, for those in the Towns of **Patrington**, **Frisemersh**, **Charlesthorpe**, **Otrygham**, **Weynestede**, **Frothingham**, **Newsum**, **Rymmelwell**, **Duthorne**, **Wythornes**, **Redmayn**, **Holayn**, **Risum**, **Holmton**, **Thorpe** juxta **Wellewyk**, and **Penystborpe**. So also had [u] *Herbert de S. Quintin*, *Richard de Ros*, *John de Sourdevale*, and *Robert de Wythornwyk*, for those from **Lamwath** bridge Northwards, within this liberty of **Holdernesse**.

[t] Par. 16 E. 3. p. 1. m. 29. in dorso.

[u] Par. 16 E. 3. p. 2. m. 34. in dorso.

Holdernesse.

The chardge in supporting of which Banks and Sewers, was such, that the Inhabitants of **Frismerk** finding it very burthensome, did in 18 *E.* 3. by Petition [w] to the King and his Counsel in Parliament exhibited, complained; that their lands were often overflowed by the tides of **Humbre**; and that they had been at a constant and very great chardge for the safeguard of them, so that they could not pay such taxes and impositions as they had done, being lesse able to maintain their said Banks for preservation of their Town, than formerly: and therefore humbly besought him; that, taking the premisses into consideration, he would command; that the *Fifteen* then granted to him in Parliament by the Commonalty of this Realm, for two years ensuing; as also all other Assessments for the future, might be rated according to the value of the goods and Catalls, which they then had in that Town. VVhereupon the King, compassionating their condition, assigned [x] *Michael de Wathe*, *John de Constable* of **Hasham**, *Robert de Sprotle* Clerk, and *John Sturmy* his Commissioners to enquire thereof.

18. E. 3.

[w] Par. 18 E. 3. n. 2. m. 26. in dorso.

[x]

VVho did accordingly; and certified, [y] that the said lands were very often overflowed by the before-specified River of **Humbre**, as also that the third part thereof were totally destroyed and consumed by the tides; and that the said Inhabitants had often been at inestimable costs for the safeguard of that their town, and must still be: the King therefore deeming it not consonant to right, that they should be unduly chardged in any *Tenths*, *Fifteens*, or other Assessments, for their lands so wasted and destroyed; directed his Precept [z] to the Assessors and Collectors of the *Tenth* and *Fifteen*, granted to him by the said Commonalty of this Realm in that Parliament beforespecified; requiring them, that having farther information touching the value of the movables which they then had in that town, they should assesse them accordingly; and supersede the collection thereof according to the tax of the old *Fifteen*.

[y]

[z] Clauf. 18 E. 3. p. 2. m. 2.

Holderneſſe.

By virtue of which Precept the ſaid Inhabitants of **Friſmerk**, being aſſeſſed [a] at *xxvi s. viij d. per annum*, for each of the ſaid two years; the King ſent his Mandate [b] to the Barons of his Exchequer; requiring them, that in that *Fifteen*, nor the like for the future to be granted, they ſhould not be rated at any greater ſumm.

a Clauſ. 20 E. 3. p. 2. m. 9.
b Clauſ. 20 E. 3. p. 2. m. 9.

The like [c] Mandate was alſo directed to the Collectors of VVools, for the **Eſt-Rithing** of this County, for a proportionable abatement to the Inhabitants of the ſaid Town of **Friſmerk**, upon the ſame conſiderations.

c Clauſ. 21 E. 3. p. 2. m. 14. & Clauſ. 22 E. 3.

In 26 *E.* 3. *Thomas Metham*, *William Playce*, and *Henry Greyſtoke* were conſtituted [d] Commiſſioners for to ſet up certain metes and bound-marks in the Kings Marſhes and Fiſhings, within the parts of **Holderneſſe**, in the preſence, and with the advice of honeſt and truſty perſons of the Country; ſo that the ſaid King and others might have full knowledge of their ſeverals in thoſe Marſhes and Fiſhings. In the ſame year *John Sutton* of **Holderneſſe**, *Thomas de Seton*, *Will. de Skipwith*, and *John de Wilton* were appointed [e] to view the Banks *&c.* upon the coaſt of **Humbre**, betwixt the Towns of **Heſele** and **Ravenſere**; as alſo upon the coaſt of **Hull**, betwixt **Beverley** and **Kingſton** upon **Hull**. So alſo were [f] Sir *Robert de Hilton* Knight, *Illard de Uſſlete*, *John de Bilton*, *Peter de Grymeſby*, and *Will. de Hoton*, for thoſe within the Precincts of **Holderneſſe** and **Ravenſere**, unto **Wiſtede** in this County.

d Pat. 26 E. 3. p. 1. m. 20.
e Ibid. m. 20. in dorſo.
f Ibid.

In 30 *E.* 3. the King being informed [g], that the tides in the Rivers of **Humbre** and **Hull** did then flow higher by four foot, than they had wont to do; by reaſon whereof the common Road-way leading from the Town of **Anlaby** to **Kingſton** upon **Hull**, as alſo the lands and Paſtures lying betwixt both thoſe places, and the Town of **Heſell**, were overflowed and conſumed: And being alſo advertiſed, that it would be neceſſary, that the antient Ditch which had extended from the ſaid Town of **Anlaby** to **Anlaby ker**, ſhould be new cleanſed and enlarged for the ſpace of twelve foot in bredth: and that from thence a new Ditch of *xxiiij* foot in bredth ſhould be made; extending to the Paſture of **Hilton** (neer unto the ſaid Town of **Kingſton** upon **Hull**) and ſo through the midſt of that Paſture, unto the ſame town of **Kingſton**; by which Ditches the ſaid waters at every tide might paſſe to and fro: And that the ſaid way ought to be raiſed much higher; the ſaid King by his Letters [h] Patents, bearing date the tenth of *May*, in the year aboveſaid, aſſigned *Thomas Ughtred*, *Gilbert Chaſteleyn*, *Will. de Skipwith*, *Thomas de Ingelby*, *John de Bentele*, and *John de Wilton*, to cauſe the premiſſes to be effected.

g Pat. 30 E. 3. p. 1. m. 6. in dorſo.
h Pat. 30 E. 3. p. 1. m. 6. in dorſo.

How long the tides, upon this coaſt, kept their courſe ſo much higher than they had formerly done, I am not able to ſay; but 'tis like that they did ſo for no ſhort time after; there being ſcarce a year in the ſucceeding part of this Kings reign, that one or more Commiſſions were not iſſued out for repair of the Banks in ſome place or other upon this great River. For in 31 *E.* 3. *Robert de Hilton*, *John de Faucoberge* and *John de Wilton* were aſſigned [i] to take care of thoſe at **Kaynghamflete**, then torn and broken by the violence of the VVaves. The like Commiſſions were directed as followeth, *viz.* in 33 *E.* 3. to [k] *John de Botheby*, *Iohn de Faucomberge*, *Will. Fililod*, and others, for all the Banks *&c.* upon the coaſt of **Humbre** in theſe parts of **Holderneſſe**: So alſo to [l] *Iohn de Monceaux*, *Iohn de Boutheby*, *Iohn Sturmy* and *Peter de Grymeſby*, for the ſame Banks *&c.* and thoſe in the VVapentake of **Dykering**.

i Pat. 31 E 3. p. 2. m. 18. in dorſo.
k Pat. 33 E. 3. p. 1. m. 14. in dorſo.
l Ibid.

In 34 *E.* 3. to [m] Sir *Thomas de Meaux* and Sir *Iohn Monceaux* Knights, *Iohn de Botheby* Clerk, and others, for thoſe from **Hull bryggs** to **Ravenſere**. And likewiſe to [n] *Nich. Damory*, *Will. de Skipwith*, and *VVill. Rys* for thoſe throughout both the VVapentakes of **Holderneſſe** and **Dykering**.

m Pat. 34 E. 3 p. 1. m. 17. in dorſo.
n Pat. 34 E. 3. p. 2. m. 3. in dorſo.

In 36 *E.* 3. to [o] *VVill. de Skipwith*, *Thomas Tirel*, Sir *John de Meaux* Knight, and others, for thoſe from **Hullbrigge** to **Ravenſere**.

o Pat. 36 E. 3. p. 1. m. 15. in dorſo.

In 38 *E.* 3. to [p] *Thomas Tyrell*, *VVill. Eſtfeld*, *Thomas VVythornwyk*, and *VVill. de Hoton*. In 39 *E.* 3. to [q] *VVilliam de Skipwith*, *Richard de Ravenſere*, and others, for thoſe betwixt a place called the **Stelle** of **Sudcote** and the town of **Kingſton** upon **Hull**; through the breaches whereof, the lands and meadows

p Pat. 38 E. 3. p. 1. m. 35. in dorſo.
q Pat. 39 E. 3. p. 1. m. 25. in dorſo.

dows adjacent were much overflowed.

r Pat. 40 E. 3. p. 1. m. 22. in dorſo. In 40 *E.* 3. to [r] *John de Bentele*, *Will. de Eſtfeld*, *John de Wandeſford* the elder, *Thomas de Wythornwyk*, and *will. de Hoton*, for thoſe throughout the whole **Eſt Rything** of this County.

ſ Pat. 41 E. 3. p. 1. m. 19. in dorſo. In 41 *E.* 3. to [ſ] *Thomas Tyrell*, *Robert Twyer*, *Will. de Eſtfeld*, *John de Wilton*, and others, for all thoſe throughout the whole liberty of **Holderneſſe**. The like

t Pat. 42 E. 3. p. 2. m. 15. in dorſo, u Pat. 43 E. 3. p. 1. m. 34. in dorſo. in 42 *E.* 3. to [t] *Thomas de Ingelby*, *will. de Fyncheden*, *Roger de Kirketon* and others. So alſo in 43 *E.* 3. to [u] *Will. de Fyncheden*, *Simon de Heſlarton*, *John de Eſtbury*, *Roger de Fulthorp*, and *Will. de Eſtfeld*.

w Placita coram Rege term. Mich. 47 E. 3. rot. 16. Ebor. x In 47 *E.* 3. the Abbot of **Meaux** having been preſented [w] for not cleanſing and repairing the Ditches and Sewers in theſe parts; *viz.* **Lambwath**, **Punkedike**, **Holdike**, and others; pleaded [x], that divers towns and perſons, whom he there nameth, ought to contribute, with him, thereto, and that he alone was not bound to undergo that chardge: but the Kings Attorney replyed, that he alone ought to do it: therefore a Jury was ſummoned.

In the ſame year *Sir Simon de Heſelardton* Knight, *Roger de Fulthorp*, *Thomas de Beverlee*, and *Walter de Ruddeſtone* were

y Pat. 47 E. 3. p. 1. m. 8. in dorſo. appointed [y] to view and repair the Banks *&c.* in the Towns of **Lokyngton**, **Watton**, **Scozburgh**, **Kilingwyk**, and **Beſewyk**; which, by the deſcent of the freſh waters from the **Woldes** into the River of **Hull**, were broken. And in 49 *E.* 3. *Roger de Fulthorp*, Sir *Thomas Tyrell* and Sir *Thomas Sutton* Knights, with others,

z Pat. 49 E. 3. p. 1. m. 1. in dorſo. had the like appointment [z] for thoſe betwixt **Cammerynton Well**, neer **Bonne Buſſewyke**, unto **Hedon**, and thence to **Pauleſlete**, upon **Humbre** directly on each ſide.

a Placita coram Rege term. Paſc. 51 E. 3. rot. 49 Ebor. b In 51 *E.* 3. *Peter Hildyard* commenced a ſute [a] againſt the Abbot of **Meaux**, for not cleanſing of a certain Ditch, called **Munkedyke**, at **Arnold** and **Riſtone**, by reaſon whereof his Meadows and Paſtures were drowned. VVhereunto the Abbot anſwered [b], that he had ſufficiently ſcoured the ſame; but that the ſaid *Peter* and his Tenants, for their better paſſage with Carriages, did fill up the ſaid Ditch with Timber, Hay, Straw and Dung, ſo that the water was thereby obſtructed in it's paſſage: a Jury therefore were ſummoned *&c.* **Holderneſſe.**

In 2 *R.* 2. *VVill. Skipwith*, *Roger de Fulthorpe*, *John Conſtable* of **Halſham**, *Robert de Hilton*, *John de S. Quintin*, *Robert de Pleſyngton*, and *VVill. de Holme*, were conſtituted [c] Commiſſioners for the view and repair of the Banks *&c.* throughout the whole precinct of **Holderneſſe**.

c Par. 2 R. 2. p. 2. m. 32. in dorſo.

In 8 *R.* 2. the ſame *VVill. de Skipwith*, with *VVill. de Burgh*, *John de Lokton*, *Walter Froſt* and *will. de Holme*, had the like aſſignation [d] for thoſe betwixt **Kingſton** upon **Hulle**, and the Towns of **Hefil** and **Anlaby**. So alſo in 10 *R.* 2. had [e] Sir *John de S. Quintin* Knight, *John de Lokton*, *will. de Holme*, *Robert Sturemy*, *Hugh de Arderne*, and *William Hundegate*, for thoſe upon the River of **Hull** and parts adjacent; from the towns of **Killingwyk**, **Scozeburgh**, **Watton**, **Beſewyk**, **Lokyngton** and **Rotſee**, to the Towns of **Ake**, **Eſke**, **Erughome**, and the Mannour of **Berghe**.

d Par. 8 R. 2. p. 2. m. 35. in dorſo. e Par. 10 R. 2. p. 2. m. 2. in dorſo.

In the ſame year, the King having received information [f], that there was a certain Ditch at **Roſſe** and **Burton-Pydele**, newly made, whereby divers Brooks were hindred of their antient courſe, and the rain deſcending therein-to, overflowed the Queens lands and meadows at **Burton** aforeſaid; and in other places; he aſſigned [g] Sir *John Conſtable* and Sir *John de S. Quintin* Knights, *John Frankiſh*, *Rob. Sturmy* and *John Redeneſſe* to enquire thereof *&c.*

f Par. 10 R. 2. p. 2. m. 3. g Ibid.

In 11 *R.* 2. Sir *Peter de Bukton*, and *John de Thornholme*, together with the ſaid Sir *John de S. Quintin*, and others, were appointed [h] to view and repair the Banks *&c.* from the ſaid towns of **Kyllyngwike**, **Scozburgh**, **Watton**, **Beſewyke**, **Lokyngton**, and **Rotſee**, to **Eſke**, **Erughome** and the ſaid Mannour of **Bergh**.

h Par. 11 R. 2. p. 2. m. 13. in dorſo.

In 13 *R.* 2. Sir *John Conſtable*, Sir *John Kentwode*, and Sir *Robert Pleſſynton* Knights, *Thomas Claymond*, and *John Frankyſh*, were [i] aſſigned to view and repair all the banks *&c.* in theſe parts of **Holderneſſe**. The like aſſignation [k] in 17 *R.* 2. had Sir *John Conſtable* of **Halſham** Knight, *VVilliam Gaſcoigne*, *John VVodrof*, *VVilliam Holme*, *Will. Hundegate*, and *Hugh Arderne*. So alſo in 18 *R.* 2. had [l] Sir *Robert de Hilton*, Sir *John Conſtable of* **Halſham**, and Sir *Robert Twyer* Knights, *John Markham*, *will.*

i Par. 13 R. 2. p. 1. m. 34. in dorſo. k Par. 17 R. 2. p. 2. m. 37. in dorſo. l Par. 18 R. 2. p. 1. m. 19. in dorſo.

Holderneſſe.

VVill. de Holme, *Robert Tirwhit*, and *John de Rednes*; with direction to proceed therein according to the Law and Cuſtome of this Realm.

m Par. 19 R. 2. p. 1. m. 5. in dorſo.

And [m] in 19 *R.* 2. Sir *Robert Nevill*, Sir *John de Routhe* Knights, *Peter de Nuthill*, *James de Hotone*, *Rob. Tirwhit*, *VVill. de Nafreton*, *Hugh de Ardern*, *John de Redneſſe*, and *VVill. Skyerne* for thoſe at Tyktone.

In 20 *R.* 2. Sir *Stephan le Scrope* of Maſham, Sir *Robert Nevill*, Sir *John de Routh*, *Robert. de Garton* Clerk, *Peter de Nuthill*, *James de Hoton*, *Rob. Tirwhyt*, *VVill. de Nafredon*, *Hugh de Ardern*, and *John de Redeneſſe*, were conſtituted [n] Commiſſioners for the view and repair of all thoſe within this liberty of Holderneſſe; with appointment to act therein according to the Law and Cuſtome of this Realm, and the Cuſtome of Romeney marſh. The like Commiſſion [o] in 1 *H.* 4. had Sir *Robert Hilton*, and Sir *Gerard Uſſlete* Knights, *VVill. Gaſcoigne*, *Rob. Tirwhyt*, *Rich. Beverley* and *John Redneſſe*; and to do all things therein according to the Law and Cuſtome of this Realm. So alſo had [p] *Laurence de Allerthorp* Clerk, *VVill. Gaſcoigne*, *Rob. Tirwhit*, *VVill. Newesſome*, *VVill. Hundgate*, *Richard de Beverley*, and *VVill. VVandeſforde*, for thoſe upon the River of Hull and parts adjacent, from the towns of Etton, Lokyngtone, Scoxburghe, Ake, and Berghe; to Beſwyke, Wattone, Hotone, Crauntewyke, and Skerene.

n Par. 20 R. 2. p. 1. m. 12. in dorſo.

o Par. 1 H. 4. p. 5. m. 13. in dorſo.

p Par. 1 H. 4. p. 1. m. 1. in dorſo.

Upon a pleading in the Kings Bench 2 *H.* 4. it was adjudged [q], that the Chantry Prieſt of Yeſton ought to repair and cleanſe a Ditch, called Skythdyke from Levergote unto Hedon, and from Harphoc to Noxthoc: And that the Towns of Buſtwyke and Skeklings ought to do the like, from Buſtwyke, Hallebridge, to Middle gar; and the Town of Ryell, from Cambertonwell, to Stoke holney land: the Shireeve therefore had command to diſtrain them.

q Plac. coram Rege term. Paſch. 2 H. 4. rot. 19 Ebor.

In 3 *H.* 4. there was an Inquiſition taken, [r] by virtue of a VVrit of *Ad quod Dampnum*, touching a Sewer in thoſe parts; upon which the Jurors preſented; that it would be no damage to the King, or any other, if a new Ditch, by the name of a Sewer were made in the Meadows and Paſtures of Anlaby, xij foot in bredth, and v foot in depth, meaſured according to the Kings Ell; and in length from a certain VVell, called Julians Welle, ſituate in the ſaid meadows and Paſtures of Anlaby, to the Waldkerr of Swanland; and ſo deſcending from the ſaid Waldkerr, according to the length, depth and bredth aforeſaid, unto Hiton Kerdyke; and thence, by Hiton Kerdike, on the North ſide the paſture of Hiton kerr, to a certain Ditch then newly made, neer to the Road-way, which leadeth from the ſaid Town of Kyngeſton, towards Beverley, in length, deſcending to the Ditch, called the Town dyke, under the VValls of Kingſton upon Hull; and thence, by a ſufficient Chanel to the Gate of that Town: And that a ſubſtantial ſtop ſhould be there made, to keep back the ſalt water, at the end of a certain Ditch, lying betwixt the paſture of Swanland, called the Wald-kerr, and the paſture called Hiton kerr; as alſo other ſtops to be afterwards made, wherſoever the Mayor, Bayliffs and Commonalty of the ſaid Town ſhould think neceſſary, for the preſervation of the freſh water, and keeping back any ſalt water from thence, for ever: And that all ſuch ſtops, ſo made, or to be made, to be made and repaired by the ſaid Mayor, Bayliffs, and Commonalty, at their own proper chardges, without any cavill, moleſtation or impediment for ever.

r Eſc. Ad quod Dampn. 3 H. 4. n. 14. Ebor.

By which ſaid Sewer ſo to be made anew, and thenceforth called Julian dyke, all the current of freſh water, both from the ſaid ſpring called Julian well, as of all other currents of VVells in Dernyngham Enges in Anlaby, together with the current of a certain Ditch betwixt Dernyngham Enges aforeſaid, and the North kerr of Anlaby; as alſo the currents of two ſprings in Anlaby and Hautempyis; one in the Ditch ſometime of *Peter de Anlaby*, in Anlaby, deſcending thence unto the ſaid Ditch called Julian dyke; and of another ſpring in the field of Hautempyis, in the North weſt Enges (deſcending thence by divers Chanels unto the ſaid Ditch called Julian dyke) to have their courſe in the ſaid Ditch, called Julian dyke as aboveſaid, without any diverſion or impediments of the ſaid currents to be made for ever, contray to the form and

and tenor of the premiſſes, for the ſupport, maintenance and relief of the Town of Kingſton upon Hull before-ſpecified.

In 7 *H.* 4. Sir *Peter de Bucton* Knight, *Will. Gaſcoigne*, Sir *Alexander Metham* Knight, *Robert Tirwhit*, *John Radeneſſe*, *Will. Skerne*, *Richard Tirwhit*, and *William Waldby* were aſſigned [f] to view and repair the Banks *&c.* in theſe parts of Holderneſſe; and to do all things therein, according to the Law and Cuſtome of this Realm, and the Cuſtome of the Eſt Rything of this Country before that time uſed.

[f] Par. 7 H. 4. p. 2. m. 15. in dorſo.

Upon a ſute in the Kings bench 13 *H.* 4. the Jurors preſented [t], upon Oath, that there was a certain Water-courſe, which came from the Springhead in the fields of Anlaby, by Warlingham-dyke, unto the Town of Kingſton upon Hull, ſo ſtopped at the gate of that Town, towards Anlaby, that it overflowed the Meadows and Paſtures of *Gerard de Uſſlet*, and of the Towns of Anlaby, Swanland, Hell and Feriby, to the common damage of all thoſe Villages: which Watercourſe ought to be ſcoured by the Town of Kingſton upon Hull, but was not. Howbeit in this there was no judgement then given, in regard that the Townſmen of Kingſton upon Hull pleaded [u] again in *Michaelmaſſe* Term 1 *H.* 5. by reaſon of the former Kings death.

[t] Plac. coram Rege term. *Hill.* 13 *H.* 4. rot. 20 *Ebor.*

[u] Plac. coram Rege term. *Mich.* 1 *H.* 5. rot. 19.

In 5 *H.* 5. *Robert Tirwhit*, *Peter del Hay*, *John Ellerker*, *will. Waldeby*, *John Holme*, *John Diſnay*, *Chriſtopher Boynton*, *Robert Rudſtane*, and the Shireeve of Yorkeſhire were appointed [w] to view and repair the banks then in decay, throughout the whole Eſt Rithing of this Country: and to proceed therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

[w] Par. 5 H. 5. parte unica m. 34. in dorſo.

The like appointment [x], in 5 *H.* 6. had Sir *John Scrope*, Sir *Robert Babthorpe*, Sir *Thomas Brounflete*, and Sir *Henry Brounflete* Knights, *John Ellerker*, and others. So alſo in 11 *H.* 6. had [y] Sir *Rob. Babthorpe* and Sir *Rich. Haſtyngs* Knights, *John Ellerker*, *John Conſtabill* of Haltham Eſquire, *John Holme ſenior*, *John Portyngton*, *Robert Rudſtane* and *Will. Muſton*: with direction to do all things therein, according to the Law and Cuſtome of this Realm, and the Cuſtome of Romeney marſh: As alſo to impreſt ſo many Labourers, upon competent wages, to be imployed in that work; as ſhould be neceſſary for the ſame; conſidering the great and urgent neceſſity in expediting therof, for prevention of farther damage.

[x] Par. 5 H. 6. p. 2. m. 14. in dorſo.

[y] Par. 11 H. 6. p. 1. m. 1. in dorſo.

Holderneſſe.

Other ſuch general Commiſſions for the ſaid Eſt Rything had [z] theſe perſons hereafter named; *viz.* in 13 *H.* 6. the ſame Sir *Rob. Babthorpe* and his aſſociates. In 14 *H.* 6. Sir *Rich. Haſtyngs* Kt, *John Conſtable* of Haltham, *John Ellerker*, *Rob. Hatfield*, *John Portyngton*, *John Holme ſenior*, *Robert Rudſtane*, and *Thomas Wylton*. And [b] in the ſame year, the ſaid Sir *Robert Babthorpe*, *John Ellerker*, *Raphe Babthorp* Eſquire, *Guy Roclyff*, *John Portyngton*, *Robert Rudſtone*, *Will. Muſtone*, and *Alexander Lounde*.

[z] Par. 13 H. 6. parte unica m. 27. in dorſo.

[a] Par. 14 H. 6. p. 18. m. 1. in dorſo.

[b] Ibid.

In 18 of this Kings reign, Sir *John Conſtable* Knight, *John Portyngtone*, *Robert Hatfield*, and *Thomas Wilton*, being conſtituted Commiſſioners for the repair of the banks *&c.* within the liberty of Holderneſſe, and the Wapentakes of Bokeres and Dykering, ſate at Tikhone, upon Friday next after the Feaſt of the *Exaltation* of the *Holy Croſſe*: before whom the Jurors preſented [c] that there was a certain common Sewer in Hoyneſe, extending in length from Hoyneſemare to the Sea: and over it a bridge for foot and Horſemen, at the East end of Hoyneſe: which bridge ought to be in bredth ſix foot, and in length ten, and repaired, whenſoever need ſhould be, by the Abbot and Covent of *S. Maries* in Yorke, as it had been time out of mind, it being at that time in decay, to the great damage of the ſaid Kings Liege people. Whereupon the Shireeve having command to impanel a Jury, to enquire *&c.* he did accordingly. Who appearing, ſaid upon their Oaths, that there was not then, nor ever had been any ſuch common Sewer in Hoyneſe, as was preſented; and therefore, that the ſaid Abbot and Covent, neither did, nor had uſed to repair any ſuch bridge over the ſame. But they ſaid, that the ſaid Town of Hoyneſe had wont to repair a certain bridge there, of one foot in bredth, for foot folk, for their own proper uſe: and therefore the ſaid Abbot and Covent was diſchardged.

[c] Ex bund. de Brev. & Recordis, Wallias *&c.* tangentibus, de term. *H.* 6. n. 20.

In 23 *H.* 6. *John Portyngton*, Sir *John Conſtable*, *Walt. Gryffith*, *Robert Hatfield*, *Rob.*

Holderneſſe.

Rob. Rudſtone, and *Thomas VViltone* were aſſigned [d] to view and repair the banks *&c.* within this liberty of **Holderneſſe**; and the Wapentakes of **Bokeres**, **Dykeryng**, and **Herthill**, in the **Eſt Rything** of this County: And to make Laws and Ordinances therein according to the Laws and Cuſtomes of **Romeney** marſh. The like [e] aſſignation in 24 *H.* 6. had Sir *John Conſtable* Knight, *Rob. Hatteſield*, *Alexander Lounde*, *Rog. Rodeſtone*, *Henry Thwaytes*, *Thomas VVilton* and *John VVencelagh*; and to proceed therein as aforeſaid. So [f] alſo in 28 *H.* 6. had Sir *John Melton* Knight, *John Conſtable* of **Halſham** Eſquire, *Rob. Hatfield*, *Alexander Lound*, *Henry Thwaytes*, and the reſt.

d Pat. 23 H. 6. p. 2. m. 25. in dorſo.

e Pat. 24 H 6. p. 2. m. 20. in dorſo.

f Pat. 28 H. 6. p. 1. m. 4. in dorſo.

In 33 *H.* 6. *Robert Aunſell*, Mayor of the Town of **Kyngſton** upon **Hull**, *Hugh Clyderowe*, *John Haynſon*, and others, were conſtituted [g] Commiſſioners for the view and repair of thoſe banks *&c.* from **Dypole** in **Holderneſſe** to **Elytone**; and to act as aforeſaid. The like Commiſſion [h] in 37 *H.* 6. had Sir *John Melton* Knight, *John Conſtable* of **Halſham** Eſquire, *Rob. Hatteſield*, *Alexander Lounde*, *Henry Thwaytes*, *Guy Fairfax*, *VVill. Eland*, and *Thomas VViltone*, for all thoſe within the liberty of **Holderneſſe**, and in the VVapentakes of **Harthill**, **Dykering**, and **Bukroſt**; *viz.* on the Eaſt part of the way, which leadeth from **Helyll** to **Bayntone**; thence to **Driffelde**; thence to **Bridyngton**, adjoyning to the ſaid liberty of **Holderneſſe**. And in 4 *E.* 4. Sir *Rob. Conſtable* and Sir *John Conſtable* Knight, *Robert Hilliard*, *John VVenſlagh*, *Rob. Sheffield* and *VVill. Eland*, were aſſigned [i] to view and repair all thoſe, which were then in decay, on the VVeſt part of the ſaid way from **Helyll** to **Baynetone**; and from thence to **Bridlyngtone**, and thence to the Sea; and ſo in all **Holderneſſe** and other parts on the Eaſt and South ſide of thoſe places. So alſo in 13 E. 4. were [k] *Rob. Sheffelde*, *Edward Saltmerſhe*, *John Copyndale*, *Roger Kelk*, *John Middiltone*, and *Thomas Minskip*, for thoſe on the Eaſt part of that way, which leadeth from the Lordſhip of **Lekynfield** unto **Cotingham**, and from the Lordſhip of **Cotyngham** to **Waghene**; and thence to the River of **Hulle**, unto the Lordſhip of **Elke**: and alſo to proceed therein as aforeſaid.

g Pat. 33 H. 6. p. 1. m. 17. in dorſo.

h Pat. 37 H. 6. p. 1. m. 19. in dorſo.

i Pat. 4 E. 4. p. 1. m. 7. in dorſo.

k Pat. 13 E. 4. p. 2. m. 20. in dorſo.

CAP. XXIV.

FOr the repair likewiſe of divers banks and Sewers, in ſeveral other parts of this County, there were, upon occaſion ſundry Commiſſions iſſued; *viz.* in 16 *E.* 1. to [a] *Thomas de Normanvile* and *Simon le Coneſtable*, touching thoſe upon the Sea-coaſt and Verge of **Humbre**. And ſo alſo the year following, for [b] thoſe betwixt the River of **Humbre** and **Lamflete**. Yorkſhire.

a Par. 16 E. 1. m. 1. in dorſo.

b Pat. 17 E. 1. m. 12.

The like Commiſion [c] in 31 *E.* 3. had *Robert de Herle*, *Thomas de Seton*, *John de Moubray*, and *Will. de Routhe*, at the requeſt of *John of Gaunt*, then Earl of **Richmund**; a great part of his lands, Meadows and Paſtures, from the Mill at little **Hoton**, to the Towns of **Paſſoyn** and great **Daneby**, being by the overflowing of the River **Wyke**, for want of cleniing the Chanel thereof, much dampnified. And in 34 *E.* 3. *Robert de Herle*, *Godfrey Fuljaumbe*, *John Moubray* and others were appointed [d] to view and repair the Banks and Sewers upon the River of **Wyke** from **Stokedale heved** to **Blakenbergh**, and thence to the River of **Swale**.

c Pat. 31 E. 3. p. 1. m. 8. in dorſo.

d Par. 34 E. 3. p. 1. m. 17. in do. ſo.

In 38 *E.* 3. it was by an inquiſition [e] found, that through the extraordinary overflowings of the river **Duſe**, which broke the banks very much, the Mannor of **Moxanwick** was totally drowned. And upon a pleading in 44 *E.* 3. the Jurors preſented [f], that the Sewer called **Foſſe**, which runneth to the great river of **Foſſe**, from a place called the **Walbot enge**, without the Town of **Strenſale**, unto the Abbots milne in the Suburbs of the City of **Yorke**, was ſo filled up with mud and weeds, that the rain deſcending thereabouts could not paſſe therein, as it had wont to do: And that it ought to be ſcoured by the Towns of **Strenſale**, **Eſterwyk**, **Touthorp**, **Yarby**, **Huntingdon** and **Clifton**.

e Eſc. 38 E. 3. n. 57. *Ebor.*

f Plac. de term. *Mich.* 44 E. 3. rot. 14 *Ebor.*

ton. Neither was it gain-ſaid by the ſaid Towns of Strenſale, Ellerwyk and Harby, but that they ought to cleanſe and repair the ſame whereſoever their land lay adjacent thereto: therefore the Shireeve had command to diſtrain them.

In 3 *R.* 2. *Will. Latimer, Roger de Fulthorpe, John de Clifford, Thomas Lovel,* and *John de Sadyngton*, were conſtituted [g] Commiſſioners for the view and repair of the banks *&c.* in the Wapentakes of Bulmere, Ridwell, and Bridſord. The like Commiſſion in 6 *R.* 2. had [h] *Henry Percy* Earl Northumberland, Sir *Robert Coneſtable* Knight, Sir *Peter de Bukton* Knight, *John de Aſke, Thomas Lovel,* and *Thomas de Beverley*, for thoſe betwixt Kingſton upon Hull and Darwent, and the parts adjacent.

[g] Par. 3 R. 2. p. 1. n. 44. in dorſo.

[h] Par. 6 R. 2. p. 1. m. 9, in dorſo.

Upon a pleading in 5 *H.* 4. the Jurors found, [i] that there was not any common Road-way in Skakilthorp and Popilton, through the paſture of Skakilthorpe: and that the Abbot of *S. Maries* in Yorke, ought neither to cleanſe the Sewers there, called Fowlkſſe, nor repair the ſaid way: the Abbot therefore was diſchardged.

[i] Plac. coram Rege term. *Hill.* 5 *H.* 4. rot. 7. *Ebor.*

Upon the like pleading in 14 *H.* 4. it was alſo found, [k] that the River of Derwent at the Conyngyke, and over againſt the Calf gate, was ſo obſtructed, that it did overflow the Meadows of Knapton, Skamſton and Wintringham; and that the Abbots of Rivaulx and his Predeceſſors ought to ſcour it. But the Abbot having ſeen the ſaid Preſentment and pleading, that foraſmuch as mention was made in the Preſentment, that the damage done thereby, was only to that Town (in which caſe a particular action lay, by the ſaid town, againſt him by the Law of the Land) and not to the King; except it had been a common nuſance, which was not ſuppoſed by the ſame Preſentment; therefore the ſaid Preſentment, being inſufficient of it ſelf; he was diſchardged.

[k] Plac. coram Rege term. *Hill.* 14 *H.* 4. rot. 21. *Ebor.*

In 7 *H.* 5. *Will. de Lodyngton*, Sir *Richard Redmayn* Knight, *Rob. Waterton, Rob. Maleverer, Guy Roclyff*, and *John Dawney* were appointed [l] to view and repair the banks, and Sewers, betwixt the Rivers of Uſe and Ayre in this County; and to do all things therein according to the Cuſtome of the Marſh, and the Law and Cuſtome of this Realm.

[l] Par. 7 *H.* 5. p. 1. m. 26. in dorſo.

The like in 11 *H.* 6. had [m] *John* Archbiſhop of Yorke, *Rich.* Duke of Yorke, *Rich.* Earl of Saliſbury, *James Strangeways*, Sir *Rich. Stanhope* Knight, *Raphe Bapthorpe*, & others, for all thoſe betwixt the River of Trente, & the King's High way, which leads from the town of Ferribrigge, unto the town of Worſoppe, called Watlyngſtrete: and thence by the common high way, which leadeth from the ſaid town of Worſoppe to the Town of Dunham; and from thence to the Rivers of Ouſe and Eyre, on both ſides the Rivers of Joul, North-Joull, Done, Wyk, and Went, in the Counties of Yorke, Nottingham and Lincolne: And to make Statutes and Ordinances, neceſſary thereto, conſonant to the Laws of Romeney Marſh *&c.* As alſo to take up ſo many Labourers, upon competent wages, in reſpect of the great and urgent neceſſity of the work, as ſhould be requiſite for that imployment.

[m] Par. 11 H 6 p. 1. m. 1. In dorſo.

So alſo in 17 *H.* 6. had [n] *John Portyngton, Guy Rouclyff, Raphe Bapthorpe, Peter Arderne, Rob. Rouclyff*, and others, for thoſe upon the Sea-coaſts and Marſhes at Scardeburgh, betwixt Southſtele, and the Hoſpital of *S. Nicholas* at Scardeburgh.

[n] Par. 17 *H.* 6. p. 1. m. 29. in dorſo.

CAP. XXV.

Derbyshire. IN this kind of improvement there was ſomething alſo in **Derbyſhire**, as it ſeemeth, and that very antiently, though the particular places be not expreſt: for in 12 *E.* 2. there were two Commiſſions iſſued to certain perſons of quality in this County, for to view the banks, Ditches and Sewers, then broken and in decay in ſeveral parts thereof, and to cauſe them to be repaired: the firſt to [a] *Will. de Herle, Richard de Wylughby, John Deincourt*, and *Richard de Whatton*; and the ſecond to [b] the ſaid *John Deincourt* and *Richard de Whatton*, together with *William de Gretton*, and *Roger de Breton*.

a Par. 12 E. 2 p. 1. m. 10 in dorſo.

b Ib. m. 8. in dorſo.

CAP. XXVI.

Notinghamſhire. TOuching the Banks and Sewers in this County, the firſt mention that I find, is in 11 *E.* 3. there being then a Preſentment made in the wapentake of **Berſetlawe**, againſt ſeveral perſons for diverting the ſtream of the River of **Idle** into the **Hel-dyke**; without any penalty impoſed upon them for ſo doing: but they being ſummoned to appear in the Kings Bench, to anſwer their doings therein; ſaid, that the Shireeve had a VVrit to levy *x*[l]. upon them for damage: the ſaid Shireeve therefore was required by that Court to tranſmit the ſaid preſentment thither.

c Plac. coram Rege term. *Trin.* 11 E. 3. rot. 109. *Nott.*

In 16 *E.* 3. the King being informed, that the Rivers of **Deven**, **Smyte**, and **Kerſyk**; as alſo certain Ditches and places, through which divers waters, in certain parts of the vale of **Belvoir**, within the Wapentakes of **Bingham** and **Newerke**, betwixt the towns of **Flintham** and **Oſton**, ſo deſcending into the ſaid River of **Deuene**, and thence into **Trent**, did then run and had uſed to do, were ſo much ſtraightned, by ſand, mud and plantation of trees; that, by reaſon thereof, and for lack of certain trenches, which would have been very neceſſary in thoſe parts, for the drayning and preſerving the low grounds and meadows there; the Lands, Meadows, and paſtures of many people in thoſe parts, had been often overflowed by thoſe waters, and did ſo continue: he conſtituted [c] *John de Vaux*, *Geffrey de Staunton*, and *John de Ker* his Commiſſioners to view the ſaid waters and Ditches; and to cauſe new trenches to be digg'd in any of the ſaid lands, meadows, or paſtures there, where need ſhould be; ſo that competent ſatisfaction were made to all ſuch in whoſe grounds thoſe trenches might happen to be cut, according to the true value of the damage, which would be thereby done thereto.

d Par. 16 E. 3. p. 1. m. 11. in dorſo.

e

And in 25 *E.* 3. upon farther information, [f] that the ſaid Rivers, paſſing through the VVapentake of **Newerk**, betwixt the towns of **Staunton**, **Kilvington**, **Flanbergh**, **Shelton**, **Sibthorpe**, **Syreſton**, **Epleſton**, **Stoke**, **Farnedone**, **Thorpe**, **Cotum**, and **Houton**; and from thoſe towns deſcending to the ſaid River of **Dyvene**, and thence into **Trent**, were alſo in ſuch ſort obſtructed, as that the Lands, Meadows and Paſtures of divers perſons were overflowed: And moreover that the Bridges and Cauſeys at **Wendleſford**, **Horſcroft**, **Bourbrig**, and **Langbrig**, and divers other bridges and Cauſeys in thoſe parts, that there was ſcarce any paſſage at all, by them, in the VVinter time, to the great peril of ſuch as travailed over them:

f Par. 25 E. 3. P. 2, m. 22. in dorſo.

them: the King appointed [g] *Geffrey de Staunton, Thomas de Sibethorpe, John de Sutton, Will. de Leyk,* and *Simon de Leyk* to view them; and to cause new Chanels to be made, where need should require, making reasonable satisfaction to the owners of those lands, through which they were to cut, answerable to the damage which they might have thereby.

g Ibid.

In 37 *E.* 3. *John Power, Robert de Morton, Oliver de Barton,* and *John Surapp* were assigned [h] to view the passage of the River of **Idel**, through the towns of **West-Retford, Bolin, Tilne, Sutton, Lound, Matherseye, Scroby, Skaftewoyth, Clawoyth, Everton,** and **Yetewell**; and to cause them to be clensed and scoured, in regard that by their obstruction, with sand, weeds, and the like, the lands and meadows of divers persons had been overflowed and drowned. The like Commission [i] in 51 *E.* 3. had *Raphe* Lord *Basset* of **Drayton**, *Will. de Skypwith, Roger de Kirketone* and others for to view the Banks and Sewers betwixt **Bykers dyke**, on both sides, in this County, and **Done hevede**; and to cause them to be repaired, where need was.

h Pat. 37 E. 3. p. 2. m. 20. in dorso.

i Pat. 51 E. 3. p. 1. m. 41. in dorso.

In 1 *R.* 2. *Will. de Skipwith, Robert de Morton, Oliver de Barton, Elias de Thoresby, John de Bekering, Will. Power of* **Tylne**, and *John de Whetlay* were constituted [k] Commissioners for to view the course of the River **Idel**, through the towns of **Elkeslay, Gamelston, Eton, Dyrchale, Est-Retford, West-Retford, Bolum, Tylne, Sutton, Lound, Matherlay, Thorpe, Scroby, Scaftewoyth, Clawoyth, Everton, Harewell** and **Hayton**; which, for want of clensing, had drowned the Lands of sundry persons, and to cause the same to be scoured.

k Pat. 1 R. 2. p. 2. m. 27. in dorso.

The like Commission [l] in 18 *R.* 2. had *Henry de Codyngton* Clerk, *John de Markham,* Sir *John de Burton,* and Sir *Will. Nevill* Knights, *Robert Martell* and *Thomas de Sutton,* for certain Gutters in the vale of **Belvoir**, and in the Wapentakes of **Bingham** and **Newerk**, betwixt the towns of **Langar** and **Bingham**, by the towns of **Flyntham** and **Pokelwoyth**, and **Pokelwoyth Thurvarton** and **Dyston**, and other places descending unto the River of **Dovene**, and thence into **Trent**; which Gutters were then also obstructed, with sand, weeds, and other impediments, to the great damage of the adjacent grounds, by overflowing *&c.*

l Pat. 18 R. 2. p. 2. m. 11. in dorso.

So also in 20 *R.* 2. had [m] the said *John de Markham,* Sir *John Bozoun* Knight, and *Richard Bertotes*, for the same Gutters and trenches, which by reason of the like obstructions, for lack of certain trenches that ought to have been made, for the drayning of the grounds lying neer them: especially overthwart **Shreston** meadow, unto the said River of **Devene**: with power to make new trenches where they should find it necessary; and to compell every man having land, capable of any benefit thereby, according to the proportion thereof, for to assist therein.

m Pat. 20 R. 2. p. 2. m. 22. in dorso.

In 30 *H.* 6. *John,* Cardinal, and Archbishop of **Yorke**, *John* Vicount *Beaumont,* Sir *Raphe Cromwell* Knight, *Raphe Byngham, John Portyngton,* and others, were appointed [n] to view and repair the Banks and Sewers, betwixt **Bykers dyke** and the River of **Done**, on every side, lying within this County, and the Counties of **Yorke** and **Lincolne**, and Confines of the same; and in the Wapentakes of **Mauley** and **Corringham**; and in the Soke of **Kirketone** in the said County of **Lincolne**; and in the Soke or Hundred of **Bastlawe** in this County. And to make Statutes and Ordinances therein, consonant to the Laws of this Realm, and the Laws and Customes of **Romeney** marsh: and to do all other things touching the same according to the Law of this Realm, and the said Customes of **Romeney** marsh: As also to impress so many Labourers upon competent wages, to be imployed in the said work; as should be needfull, considering the great and urgent necessity for the speedy accomplishment thereof.

n Pat. 30 H. 6. p. 1. m. 22. in dorso.

The like Commission [o] in 14 *E.* 4. had *Thomas* Bishop of **Lincolne**, *will.* Lord *Hastyngs*, Sir *John Scrope* of **Bolton** Knight, Sir *Robert Markham* Knight, *John Stanhope, Gervase Clifton, Robert Willughby, Thomas Molineux, Thomas Nevill*, and *John Metheley*, for the view and repair of the Banks and Sewers, from **Broughton-Sulny** unto the River of **Devene** in this County; and from **Felopke** in **Bingham**, unto the said River of **Devene**:

o Pat. 14 E. 4. p. 1. m. 20. in dorso.

vent: as also by and about the same River, from the County of **Leicester**, beyond **Kilvyngton**, unto the River of **Trent**, in this County: And to proceed therein as aboveſaid. So also in 22 *E.* 4. had [p] the same Archbiſhop and moſt of the before-mentioned persons.

[p] Pat. 22 E. 4. p. 1. m. 22. in dorso.

But farther touching the Fens in this County, I have not seen, other than what a Law [q] of Sewers, made at **Stockwith** 14 *Aug.* 5 *Caroli* mentioneth; which is, that whereas *John Lyens* and other *Dutchmen*, had undertaken to the King and his privy Council, to drayn the Carrs and Marshes in the Lordship of **Hatfield** in the County of **Yorke**, **Axholme** in the County of **Lincolne**, and other great Carrs in this County of **Nottingham**, and had made divers great Rivers and drayns to that purpose; it was decreed, that for the better conveying away of the waters, one Sluce should be erected on **Bikersdyke**, within the Parish of **Wisterton**, at a place lying over the bridge, called **Bleesdon bridge**, and to make a cut over the common grounds called **Bleesdon**, to **Wisterton** firm grounds.

[q] Ex'bund. Decret. in officio nuncupata 'the Pettibag.

And that whereas the said *John*, and his Participants, became undertakers for the drayning of certain Carr grounds, in **Everton**, in this County of **Nottingham**, in consideration thereof they were to have, to them and their heirs and assignes for ever, five hundred Acres of land, laid out from **Everton** inclosures, all along by **Gyngeley** bank side, unto the **Toste**, **Carr banke**, or **New bank**, to be set out by Surveyors chosen on each part.

CAP.

Axholme.

CAP. XXVII.

BEing now come into **Lincolnshire**, I shall first begin with the Isle of **Axholme**, which, for many ages, hath been a Fenny tract, and for the most part covered with waters: but more antiently not so: for originally it was a woody Country, and not at all annoyed with those inundations of the Rivers that passed through it, as is most evident by the great numbers of Oak, Firr, and other Trees, which have been of late frequently found in the Moor, upon making of sundry Ditches and Chanels for the drayning thereof; the Oak Trees lying somewhat above three foot in depth, and neer their roots, which do still stand as they growed, *viz.* in firm earth below the Moor; and the bodies, for the most part North VVest from the roots, not cut down with Axes, but burnt asunder somewhat neer the ground, as the ends of them, being coaled, do manifest. Of which sort there are multitudes, and of an extraordinary bigness; *viz.* five yards in compasse, and sixteen yards long; and some smaller of a greater length, with good quantities of Akorns neer them: and of small Nuts so many, that there have been found no lesse than two pecks together in some places.

But the Firr Trees do lye a foot, or eighteen inches deeper; of which kind there are more than of any other; many of them being above *xxx* yards in length: Nay, in the year 1653. there was a Firr pole taken up, by one *Robert Browne* of **Harey**, of *xxxvi* yards long (besides the top) lying neer the root, which stood likewise as it grew, having been burnt, and not hewed down: which tree bore at the bottome ten inches square, and at the top eight.

About *xx* years since also, in the Moors at **Thurne** (neer five foot in depth) was found a Ladder of Firr, of a large substance, with about *xl* staves, which were thirty three inches asunder; but so rotten, that it could not be gotten up whole. And in **Harey** Carr, at the like depth, a Hedge, with stakes and bindings.

The truth is, that there are so great a number of Trees, thus overgrown with the Moor, through a long time of stagnation by the fresh waters, in these parts; that, the Inhabitants have for the space of divers years last past, taken up, at least two thousand Cart Loads in a year.

As to the time when this woody Level (which extends it self into **Dikes mersh**, and **Hatfield** Chase in **Yorkshire**) became first thus overflowed, I can say nothing, there being not any memorial thereof transmitted to us, from the light of History or Records: but that it hath been so, for divers hundreds of years, the depth of the Moor doth sufficiently manifest; which could not, in a few Ages, grow to that thicknesse it is of. Howbeit, as to the occasion thereof, I may rationally conclude it to have been, through the muddinesse of the constant tides, which flowing up **Humbre** into **Trent**, did in time leave so much silt to obstruct the currents of **Idle**, **Done**, and other Rivers; that, having not their free passages as formerly, they flowed back and overwhelmed that flat Country with water; insomuch as the high ground became an Island, as it is still (we see) called; and a place so defencible, in respect of the spaciousnesse and depth of the waters environing it, that *Roger* Lord *Mowbray*, an eminent Baron of this Realm in K. *Henry* the second's time, and then Lord thereof, adhering to young *Henry*, upon his rebellion in those dayes, repaired hither, and fortified an old Castle, which had been

Arholme. been [a] long ruinous; for reducing whereof to the Kings obedience, the **Lincolnſhire** men, having no other acceſſe thereto, tranſported themſelves by ſhipping, in the year 1174 (20 *H.* 2.) So likewiſe in 50 *H.* 3. after the battail of **Eveſham**, wherein the rebellious Barons were diſcomfited, ſome of them fled [b] hither, as to a place of ſecurity, for the reaſons above expreſſed. But after that time, it was not long, ere the Inhabitants of theſe parts, imitating the good Huſbandry of thoſe in other Countryes, who had by banking and drayning made good improvements in ſuch Fenny places, did begin to do the like here: For in 1 *E.* 3. I find, that *Robert de Notingham*, and *Roger de Newmarch* were conſtituted Commiſſioners [c] to view and repair thoſe Banks and Ditches, as had been made to that purpoſe, which were then grown to ſome decay: So alſo were [d] *John Darcy* of the Park, *Roger de Newmarch*, and *John de Croſholme*.

Several other Commiſſions there were, afterwards to the ſame purpoſe; *viz.* in 25 *E.* 3. to [e] *Will. Baſſet*, *Thomas de Swinford*, *Will. de Clive*, *Thomas Levelance*, *Will. Waſcelyn*, and *Thomas Degmanton*, for all the Banks and Sewers within this Iſle. In 26 *E.* 3. to [f] *Raphe de Wilughby*, *Will. Baſſet*, *Will. de Skipwith*, *Illard de Uſſlete*, *Robert de Haldanby*, *John de Laſingcroft*, and *John de Flete* of **Bulwiche**, for thoſe upon the Rivers of **Trent** and **Done**, within the Hundred of **Crulle**. In 39 *E.* 3. to [g] *John Tours*, *Will. Waſcelyn* and *Raphe de Burnham*, for thoſe upon the Rivers of **Done**, **Idel**, and **Bekerſdik**, in this Iſle: VVherein they were directed to proceed according to the Law and Cuſtomes of this Realm. In 40 *E.* 3. to [h] *Thomas de Ingelby*, *Will. de Fyncheden*, *Will. de Galby*, Parſon of the Church of **Epworth**, and others, for thoſe in the parts of **Baine** and **Merſland**, and Lordſhip of **Haitfield** in the County of **Yorke**; as alſo within this Iſle and Soke of **Crulle**, in this County. The like Commiſſion [i] had the ſaid *Thomas* and *William*, with *Roger de Kirketon*, and others in 41 *E.* 3. So alſo in 43 *E.* 3. had [k] Maſter *John de Burnham*, *Will. de Galby* Clerk, *Richard Poutrell*, and others, for thoſe in this Iſle, betwixt **Butterwyk**, and **Sumthorpe**.

In 2 R. 2. to [l] *Henry Percy* Earl of **Northumberland**, *Will. de Skipwith*, *Roger de Fulthorpe*, *Henry Aſty*, *John Poucher*, *Thomas de Burnham*, and *William de Topclyf*, for thoſe betwixt **Bykerdyke** and **Doneheved**, throughout all this Iſle and the Soke of **Crulle**, then in decay through the force of **Trent**. And in 7 *R.* 2. to [m] *Thomas de Moubray* Earl of **Nutingham**, Sir *VVill. de Willughby* Knight, *VVill de Skipwith*, and others, for all thoſe in this Iſle, as alſo betwixt **Bykerdyke**, on both ſides, in **Nottinghamſhire**, and the River of **Done** in **Yorkeſhire**.

In 1 *H.* 5. *VVill. Lodyngton*, *Thomas Egmanton*, and *John Dowenay*, *Rob. VVaterton*, and *Edmund Fitzwilliam*, being conſtituted [n] Commiſſioners for the view & repair of the Banks and Sewers in the Soke of **Crulle**, and this Iſle of **Arholme**, and betwixt **Bekerdyke**, on each ſide; ſate [o] at **Crulle** upon the monday next after the Feaſt of the *Nativity* of the bleſſed Virgin, in the year aboveſaid: before whom the Jury then preſented [p], that one *Geffrey Gaddeſby* late Abbot of **Selby**, did cauſe a ſtrong Sluſe of wood, to be made upon the River of **Trent**, at the head of a certain Sewer, called the **Mare dyke**, of a ſufficient height and bredth, for the defence of the tides coming from the Sea; and likewiſe againſt the freſh waters deſcending from the VVeſt part of the before-ſpecified Sluſe to the ſaid Sewer, into the ſame River of **Trent**; and thence into **Humbre**: and performed the ſame upon his free good will and Charity for the eaſe of the Country. VVhich ſaid Sluſe, certain unknown perſons (Inhabitants of the Lordſhip of **Haytfield**) pulled down, in the time of *Iohn de Shireburne*, late Abbot of that place, and next ſucceſſor of the ſaid *Geffrey*.

And whereas the ſaid *Iohn de Shireburne*, did new make the ſame Sluces of ſtone, ſufficient (as he thought) for defence of the Sea tides, and likewiſe of the ſaid freſh waters; the Jurors ſaid, that they were not ſtrong enough for that purpoſe, being both too high and too broad: And that it would be expedient, for the advantage of the Country, that the then Abbot, if he pleaſed, would in the place where thoſe Sluces of ſtone were made, cauſe certain Sluſes of ſtrong timber to be ſet up, conſiſting of two Floud-

a *Flores* Hiſt. in anno 1174.

b Ib. in anno 1276. *Math. Pariſ. ſimiliter.*

c Pat. 1 E. 3. p. 3. m. 10. in dorſo.

d Pat. 1 E. 3. p. 1. m. 18. in dorſo.

e Pat. 25 E. 3. p. 1. m. 5. in dorſo.

f Pat. 26 E. 3. p. 3. m. 22. in dorſo.

g Pat. 39 E. 3. p. 1. m. 12. in dorſo.

h Pat. 40 E. 3. p. 1. m. 30. in dorſo.

i Pat. 41 E. 3. p. 1. m. 19 in dorſo.

k Pat. 43 E. 3. p. 1. m. 33. in dorſo.

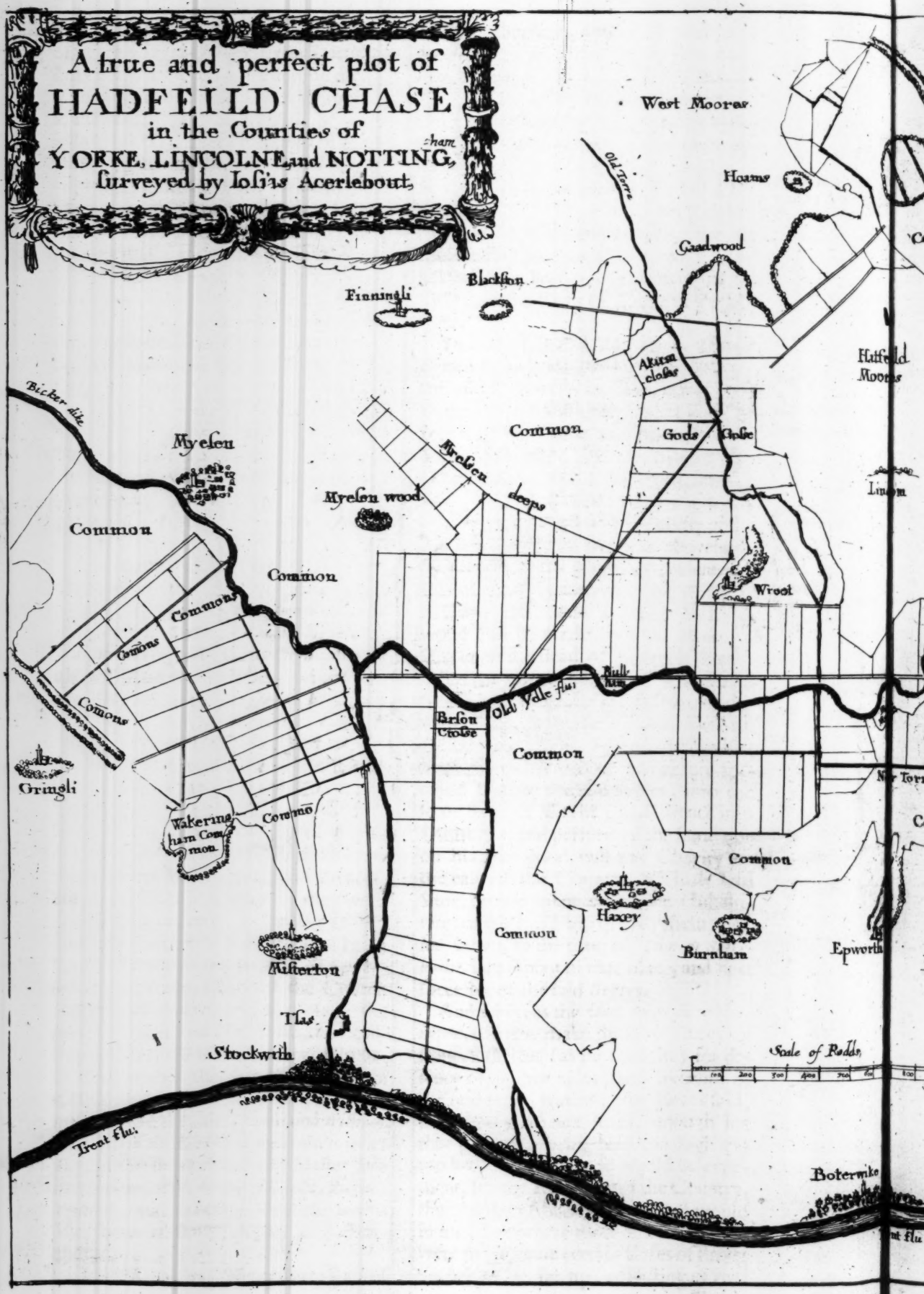
l Par. 2 R. 2. p. 2. m. 32. in dorſo.

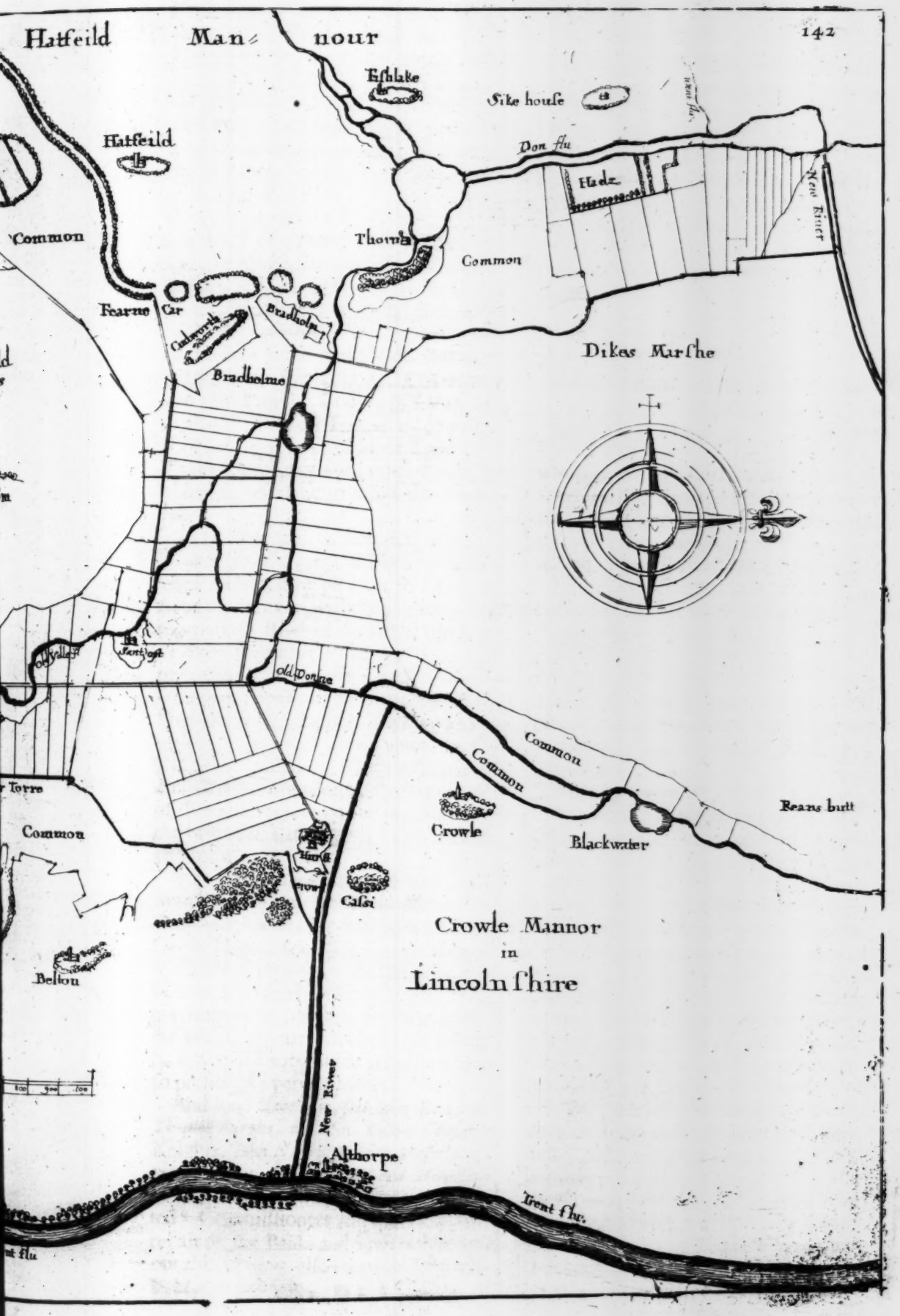
m Pat. 7 R. 2. p. 1. m. 17. in dorſo.

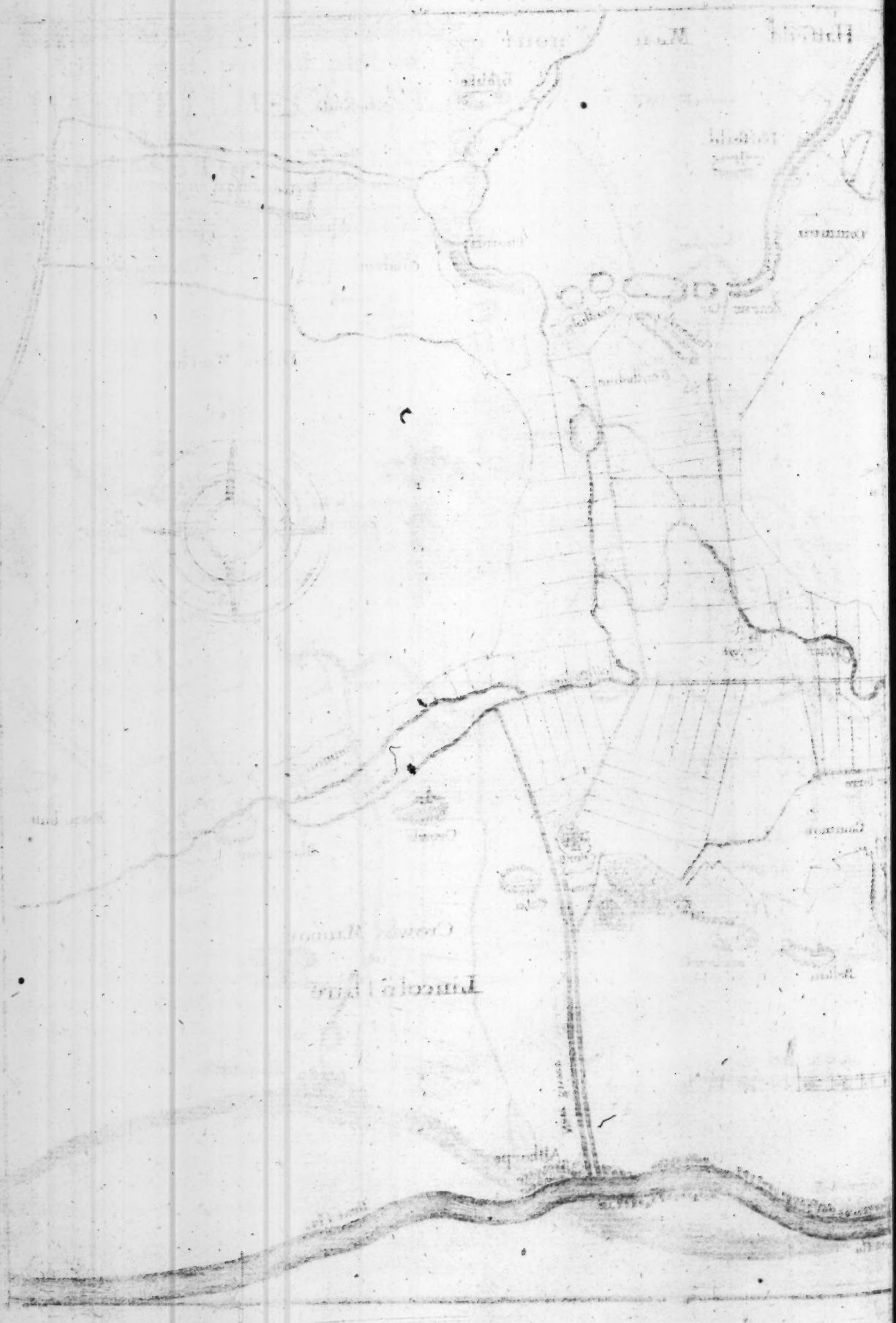
n Par. 1 H. 5. p. 1. m. 21. in dorſo.

o Ex bund. de Brev. & Recordis, Wallias &c. tangentibus, tem. H. 5. n. 15. *Lin.*




A true and perfect plot of
HADFEILD CHASE
in the Counties of
YORKE, LINCOLNE and NOTTINGham
Surveyed by Iosias Acerlebout
West Moores
Hoams
Old Torre
Gradwood
Blackson
Finningli
Akuss close
Hatfeild Moors
Bicker dike
Myelen
Common
Myelen deeps
Myelen wood
Gods Close
Wroot
Common
Commons
Commons
Commons
Bull Nose
Old Yale flu:
Barson Close
Common
Gringli
Wakering ham Common
Common
Common
Haxey
Burnham
Epworth
Misterton
Common
Tlas
Stockwith
Scale of Rodds
Trent flu:
Botermike


Hatfeild Manour
Eshlake
Sike house
Don flu
Hatfeild
Hedz
New River
Common
Thorne
Common
Fearne Car
Cudworth
Bradholm
Bradholme
Dikes Marshe
Old Dunne
Common
Common
Crowle
Blackwater
Beans butt
Common
Casei
Crowle Mannor
in
Lincoln shire
Belton
New River
Althorpe
Trent flu.



Floud-gates; each Floud-gate containing in it ſelf, four foot in bredth, and ſix foot in height; as alſo a certain bridge upon the ſaid Sluſes, in length and breſth ſufficient for Carts and other Carriages, which for the future might paſſe that way: And being ſo made, and having ſtood firm, for the ſpace of one whole year, againſt the force of thoſe tides, by the view of *Richard de Amcotes*, and *Robert Lyulf* of **Waterton**, elected and ſworn by the before-ſpecified Commiſſioners, or ſome others, to be choſen by them; that thenceforth the ſaid Abbot of **Selby**, *Richard Amcotes*, and other of the Free-holders of **Crull**, **Amcotes**, **Waterton**, **Garlethorpe**, **Ludington**, and **Eſtoft** in this County of **Lincolne**; as alſo all the ſaid Towns in common, ſhould, in reſpect of their Lands and Tenements, lying within that Soke, be obliged, of right to keep them in repair.

And they ſaid farther, that it would be very neceſſary, that the before-mentioned Abbot, if he pleaſed, ſhould cauſe to be there made, without the ſaid Sluſe, towards the River of **Trent**, at the Feaſt of *Eaſter* then next enſuing, one demmyng, for that preſent. And they alſo ſaid, that, for the future, the ſaid Free-holders, as alſo the ſaid Towns, and every of them, might clenſe and ſcour the ſaid Sewer called the **Mare dyke**, according to the proportion belonging to each of them therein, from the ſaid Sluſe, to the bridge of **Ludington**, called **Lane end bigg**.

VVhereupon the Shireeve was commanded to ſummon the ſaid Abbot, *Richard Amcotes* and the reſt, to appear before the before-ſpecified Commiſſioners at **Crull** aforeſaid, on the Tueſday next before the *Nativity* of the bleſſed Virgin, then next enſuing, to anſwer *&c.* At which day they all came accordingly, and could not gainſay, what had been ſo preſented by thoſe Jurors.

And long after this, *ſcil.* in 5 *E.* 4. Sir *Thomas Burghe*, and Sir *Robert Conſtable* Knights, *John Nevill*, *Robert Sheffield junior*, *Thomas Moigne*, *Richard Haunſerd* of **Dureſby**, and others, were conſtituted [q] Commiſſioners for the view and repair of the Banks and Sewers throughout this Iſle; as alſo betwixt **Bykerſdyke**, on each ſide, in the County of **Nottingham**; and the River of **Done**, on both ſides, in the County of **York**: and within the VVapentake of **Manley**, **Perburgh**, **Corringham**, **Aſlakhowe**, and **Walſhcroſt**, in this County of **Lincolne**: and to make Statutes and Ordinances therein, conſonant to the Laws of the Realm, and Cuſtome of **Romeney** marſh: As alſo to impreſt ſo many Labourers, as they ſhould think neceſſary for that work, upon competent wages, in reſpect of the great neceſſity for haſtening thereof. **Arholme.**

[q] Par. 5 E. 4. p. 1. m. 25. in dorſo.

Having thus traced down the ſucceſſive Commiſſions for improvement of the Marſhes in this Iſle, by banking and drayning, untill after the Statute * of 6 *H.6.* VVhich Statute preſcribing a form for all that ſhould be iſſued out after that time, throughout this whole Realm; wherein direction and power is given to thoſe who are to be imployed therein, to make and ordain neceſſary and convenable Statutes and Ordinances, for the ſalvation and conſervation of the Sea-banks and Marſhes; and the parts adjoyning thereto, according to the Laws and Cuſtomes of **Romeney** marſh: and likewiſe to hear and determine all and ſingular complaints, that ſhall come before them, touching that buſineſſe, according to the Laws and Cuſtomes of this Realm, and the Cuſtomes of the ſaid **Romeney** marſh: appointed alſo, that upon great and urgent neceſſity, they ſhould take and put into the ſaid works and reparations, as many Ditch-makers and other Labourers, upon competent wages, as might be ſufficient to perform that ſervice; it will not be neceſſary (as I conceive) to give farther inſtances of this kind; I ſhall therefore deſcend to that great and no leſſe commendable work, which was undertaken ſhortly after the beginning of the late King *Charles* his reign; not only for the drayning of all the ſurrounded Marſhes of this Iſle, but of the adjacent Fenny grounds, lying in **Yorkeſhire**; *viz.* **Hatfield** Chaſe and **Dikesmerſh**: VVherein I may not omit to obſerve; [a] that the overflowings of the freſh waters over that whole Level, was ſuch; by reaſon that the before-ſpecified Rivers of **Idel**, **Bickers dyke**, **Turne**, **Done**, and **Ayre** were obſtructed in divers places, with

Cap. 5.

[a] Ex diverſis depoſitionibus, in linguâ Brevium de term. *Paſch.* 24 *Caroli* penès Rememb. Scacc.

Arholme. with so much silt and other impediments, chiefly contracted by the dayly tides, as I have before declared; that not only in winter, but even in the Summer time, Boats laden with plaister have passed over that part thereof, called **Hatfield** Chase, to a place called **Hollen bigge**, near **Hatfield Woodhouse**, the water upon the drowned grounds, being about three foot deep: and the Fishers house, called *Steere's* lodge, standing on ground thrown up and raised three or four foot above the level, often drowned.

Neither was **Hatfy** Carr lesse overwhelmed, large Boats laden with *xx* quarters of Corn, usually passing over it, from the River of **Idel** to **Trent bank**; men rowing also with lesser Boats, to look Swans, over all parts of it, betwixt *Lammas* and *Michaelmasse*: And in like sort over **Starr Carr**, and **Arholme Carr**; insomuch as there was no lesse than sixty thousand acres of land thus overflowed by the said fresh waters.

The said King therefore, being seized of this Island, and of divers lands and waste grounds, belonging to the same; as also of and in the Chase called **Hatfield** Chase, with **Dikes merth**, together with the Lordships of **Wroote** and **Finningley** in the County of **Yorke**, all lying upon the same flat; out of his Royal and Princely care for the publick good, in regaining so great a proportion of surrounded land; which, at the best, yielded little or no profit to the Common wealth, but contrariwise nourished beggars and idle persons: and having a Chase of Red Deer through a good part of this Fen, which much annoyed and oppresst the residue; resolving by the advice of his Counsel; partly for the easing of his chardge, and increase of his revenue, and partly for the improvement and reducing of so great a quantity of drowned and boggy ground, to be made good Meadow, Arable, and Pasture, for the general good; did under the great Seal of **England**, contract with *Cornelius Vermuden*, then of the City of **London** Esquire, by Articles bearing date the twenty fourth day of *May*, in the second year of his reign, the substance whereof was as followeth.

An. 1626.

1 First, that the said *Cornelius* should, at his own chardge drain and lay the same dry; beginning the work within three months, after the said King should have agreed with those persons that had interest of common therein; and finish it with all possible expedition.

2 That he the said *Cornelius*, in consideration thereof, should have to him and his heirs, for ever, one full third part of the said surrounded grounds, to hold of the said King, his heirs and successors, as of his Mannour of **East Greenwiche**, in free and common socage.

3 That he the said *Cornelius* should pay and satisfie to the owners of all lands, lying within the same level, and so surrounded, such summs of mony, as the said lands should be thought worth by four Commissioners; whereof two to be named by the Lord Treasurer of **England**, for the time being; and the other two by him the said *Cornelius*.

4 That the work being finished, there should be, for the better preservation thereof, a Corporation made, to make Acts and Ordinances to that end, as occasion should require; consisting of such persons as he the said *Cornelius* and his heirs did nominate.

5 That within three years after they should be finished, six Commissioners to be appointed; *viz.* three by the Lord Treasurer of **England**, for the time being; and three by the same *Cornelius*, his heirs *&c.* to view them, and estimate what the future yearly chardge might amount unto, for the perpetual maintaining of them: whereupon the said *Cornelius* to convey and assure the Inheritance of lands to such a value, as might be thought sufficient to support that chardge.

And that whereas divers did claim common of Pasture in sundry of the said grounds, it was agreed that the King should issue out his Commission under the great Seal of **England**, to certain persons, to treat and conclude with those Commoners, by way of composition, in land or mony, concerning the same.

VVhereupon Commissions were accordingly directed [b] to several Gentlemen of those Counties, to treat and agree with all such as pretended right of Common within any of the Mannours above-

[b] The state of the case printed at *London*, an. 1656.

above-mentioned: which took effect with each of them, except those of the Mannour of **Epworth**, in this Isle: But Sir *Robert Heath*, being the then Attorney General, exhibiting an information in the Exchequer Chamber against them, three hundred and seventy (who were all that at that time could be discovered to have right of common there) came and submitted to such an Award, as Sir *John Bankes* (the then Attorney general) should make therein: Who, upon several hearings of all parties and their Councell, made this Award; *viz.* that of thirteen thousand and four hundred Acres, belonging to that Mannour (which was then to be drayned, with the rest of the levell) six thousand Acres should be allotted to the Commoners, as their part or portion, lying next to the Towns; and so preserved for ever, at the chardge of the said *Cornelius Vermuyden*; and the remaining seven thousand and four hundred Acres to be set out in the remotest parts of those wastes to Sir *C. Vermuyden* and his participants, for their third part, and for the said late King's part, in right of his interest as Lord of the soil: which, by consent was decreed in the Exchequer Chamber, and possession thereupon established with the said *Cornelius Vermuyden*, and his participants, and to their assigns.

The agreement being therefore thus made, this great work was accordingly begun, and had so successful a progresse; that, with the chardge of fifty five thousand eight hundred twenty five pounds, or thereabouts, it became fully finished, within the space of five years; the waters which usually overflowed the whole levell being conveyed into the River of **Trent**, through **Snow** Sewer, and **Althorpe** River, by a Sluse; which issued out the drayned water at every ebb, and kept back the tides upon all comings in thereof.

And now that the world may see what an advantage accrued to the publick by this noble, though chardgable work, I shall here, from the before-specified Depositions, observe; First, that since the drayning of **Hatfield Carr**, a great part thereof hath been sowed with Rape and other Corn, for three years together, and born plentiful crops.

Axholme.

That some part of the said Carr, not worth above six pence an Acre, *per annum*, was after the said drayning worth *x s.* the Acre. 2

That several houses have been since built and inhabited in sundry places of the said Carr, which formerly was drowned land: So likewise in other parts of the levell. 3

That since the drayning, the grounds are better worth *xvij s. iiij d.* an Acre, than they were two shillings an Acre before. 4

That of ten Acres of drayned land, fifty quarters of Rape seed have been gotten in one year, and sold at *xxx s.* the quarter. 5

That of the said drayned grounds, they have usually had three quarters and a half of wheat upon one Acre; three quarters of Rye upon one Acre; and eight quarters of Oats upon one Acre. And for six years together seven quarters of Oats on one Acre. 6

That before this drayning, the Country thereabouts was full of wandring Beggars; but very few afterwards; being set on work in weeding of Corn, burning of ground, thrashing, ditching, Harvest work and other Husbandry: All wages of Labourers, by reason of this great use of them, being then doubled. 7

Hereunto I shall add what I find in that printed Relation, before-mentioned; *viz. the State of the Case*; id est, that the said *Cornelius Vermuyden*, together with his participants and their assigns, being in quiet and peaceable possession of what belonged to them by virtue of the Agreement aboveſaid, did build and plant a Town called **Sandtoft**, with a Church therein; placing a Minister there; whereunto resorted above two hundred Families of *French* and Walloon Protestants (fled out of their native Country for fear of the Inquisition, only to enjoy the free exercise of their Religion here) who erected and planted above two hundred habitations for Husbandry, and plowed and tilled much of the said twenty four thousand and five hundred Acres of land, to the great benefit of the Common wealth. All which they enjoyed till about the Month of *June*, in the year 1642, that some of An. 1642. the Inhabitants thereabouts, pretending

Arholme. they had right of Common, ſaid they were not bound by the before-ſpecified Decree: and therefore taking advantage of the preſent diſtractions: for then it was that the Parliament began to raiſe a powerful Army *for the ſafety of the King's perſon, defence of both Houſes of Parliament, and of thoſe who had obeyed their Orders and commands; and preſerving the true Religion, Laws, Liberties and peace of the Kingdome* (as their votes and Remonſtrances did ſet forth) a vaſt proportion of money and plate, being brought in, by the Citizens of **London**, and others, for that purpoſe; the King being at that time at **Yorke**, with ſome ſlender guards (which they voted to *be a levying of warr againſt his Parliament*) they aroſe in tumults, brake down the fences and incloſures of four thouſand Acres, deſtroyed all the Corn growing, and demoliſhed the Houſes built thereon.

[c] Ex præfatis depoſitionibus.

And [c] about the beginning of *February* enſuing, they pulled up the Floudgates of **Snow** Sewer, which by letting in the tides from the River of **Trent**, ſoon drowned a great part of **Hatfield** Chaſe; divers perſons ſtanding there with Muſkets; and ſaying, that there they would ſtay till the whole levell were drowned, and the Inhabitants forced to ſwim away like Ducks: and ſo continued guarding the ſaid Sluſe for the ſpace of ſeven weeks together, letting in the tides at every full water, and keeping the Sluſe ſhut at an ebb. And about that time, likewiſe, ſome of the Inhabitants of **Hillerton**, pulled down another Sluſe, neer that Town; which occaſioned the River of **Trent** to break down the Banks and overflow the whole levell, ſo that the Barns and Stacks of Corn were drowned a yard high, at the leaſt.

[d] Ibid.

And thinking this not to be miſchief enough, the [d] Inhabitants of the Iſle of **Arholme**, did about *Michaelmaſſe* in the year 1645 tumultuouſly throw down a great part of the Banks, and filled up the Ditches, putting in Cattel into the Corn, and Paſtures of thoſe that had been Adventurers for the drayning.

[e] The ſtate of the caſe ut ſupra.

Whereupon the ſaid Participants in this great and coſtly work, by their humble Petition [e], exhibited to the Parliament in *December* following; preſented, that after the expence of at leaſt two hundred thouſand pounds in thoſe works, the Tenants of the Mannour of **Epworth**, notwithſtanding their conſents to that Decree before-ſpecified, which had been paſſed in the Exchequer for ſettlement of what had been agreed on, and ſet out of that Mannour, for the ſaid Participants and their Tenants; had in a tumultuous manner thrown down and laid waſte a proportion of at leaſt 74000 Acres of land, and deſtroyed a great quantity of Rape, and Corn growing, by forcible keeping and depaſturing their Cattel thereon; as alſo demoliſhed very many Houſes, burnt others, cut and burned the Plows, beat and wounded thoſe that were Plowing, or reſiſted them in any of thoſe their outragious acts; and then threatned the drowning of the whole by cutting of the Banks, and miſuſage of the Sluſes: and moreover, that they reſiſted the ſaid Participants, in levying taxes for the repair of the works, to the great damage of the Common wealth in general, and ſcandal to the Juſtice thereof, in caſe theſe things ſhould not be reſtrained, and the offenders to be puniſhed.

For preventing therefore of the like miſchiefs, and preſervation of the peace of the Country, it was then ordered by the Lords in Parliament, that the Shireeve of the ſaid County of **Lincolne**, and Juſtices of peace there, ſhould, upon complaint made to them therein, punctually purſue the Statutes made in 13 *H.* 4. for ſuppreſſing of Riots and Routs, and call to their aſſiſtance, if need required, the Trained bands of the ſaid County, and the Parliaments forces next adjoyning, to be aiding and aſſiſting to the ſaid Participants, in guarding and keeping theſe Sluſes and Sewers; and in repairing what had been ſo demoliſhed; and in levying the Taxes legally impoſed, tending to the preſervation of ſo good and beneficial a work to the common wealth: And for the ſetling of this buſineſſe, they farther ordered, that the Shireeve of the County of **Lincolne**, for the time being, ſhould, upon requeſt to him made by the ſaid Participants, appoint ſuch a Deputy, within the limits of the ſame levell, for the ſudden aiding and aſſiſting of them (when need ſhould re-

require) as they from time to time did desire.

And that this Order should be forthwith published, in the several Parish-Churches and Market-Towns of this County.

Which course being thus taken for restraint of those their tumultuous and riotous practices; seven of the Inhabitants of the said Mannour of **Epworth**, brought their actions at Law against the said Participants, for recovering of what had been so formerly setled by the before-specified Decree, with their own consents.

Whereupon the said Participants exhibiting their Bill in the Exchequer Chamber, for establishing their possession against those seven, obtained this Order[f]; *viz.* that the Kings Solicitor general should proceed upon the same in that Court, with all convenient speed; and in the mean time the possession of the lands in question to be held in quiet by the Plantiffs, as it had been formerly setled by the said Court, and enjoyed at any time since the said Decree made: and likewise, that their sutes at Law should be stayed by the Injunction of the same Court, untill the hearing of the cause, or that the Court gave farther order therein.

[f] Ibid.

Upon which Injunction the Shireeve had a Writ of assistance, and came with near a hundred persons to quiet the possession, and set up the Banks of those 4000 Acres first laid waste: But one *Daniell Noddel*, Solicitor for the before-mentioned Inhabitants, hearing of the said Shireeve's coming, got together about four hundred men, and forced him, with all his assistants, to flie; and having so done, demolished what he the said Shireeve had before caused to be set up.

The Participants therefore, being thus forcibly kept out of possession, brought their Bill to hearing; which the said *Noddel* discerning, he drew in, to his aid, Lieutenant Colonell *John Lilburne* (a person of a most turbulent Spirit, and who since dyed a Quaker), and Major *John Wildeman*; and, whilst the cause was hearing, joyned with the said Inhabitants in a farther Riot, on the remaining 3400 Acres, which till then had been kept up; impounding the Tenants Cattel, and refusing to admit of Replevins, and so forced them to what rates they pleased for their redemption. Axholme.

Whereupon the said Participants, not knowing otherwise what to do, complained several times to *Michael Monkton*, a Justice of Peace in those parts; who not only refused to grant any Warrants, or pursue any legal course for their preservation; but on the contrary gave encouragement to the Riotors; and upon an Indictment exhibited against some of them, in the Sessions, for these outrages, which was found by the Jury, some of the Justices there sitting, thinking it fit to fine the Delinquents at 4 or 5 marks a piece; the said *Monckton* moved openly that their fines might be but six pence a piece; and insisted so earnestly thereon, that the fine imposed on them was no more than twelve pence a man.

Howbeit after this, *viz.* in *February* 1650. upon a full hearing in the Exchequer, a Decree was made for establishing the possession with the Participants; which being published on the place, in presence of divers of the said Inhabitants; they having gotten the influence of the said *Lilburne*, *Wildeman*, and *Noddel*; declared, that they would not give any obedience thereto, nor to any order of the Exchequer or Parliament; and said, that they could make as good a Parliament themselves: Some expressing that it was a Parliament of Clouts; and that if they sent any forces, they would raise men to resist them; and thereupon proceeded to the defacing of the Church at **Santoft**; and within ten days time, did totally demolish the Town it self; with other Houses thereabouts, to the number of fourscore and two habitations, besides Barns, stables and Out-houses; as also a Windmill; and destroyed all the Corn and Rape then growing on the said 3400 Acres: the damage of all which amounted to fourscore thousand pounds, as appeared by the Testimonies of sundry witnesses.

All which waste and spoil being done; the said *Lilburne*, *Wildman*, *Monckton*, and *Noddel*, confederating together, made an agreement with several of the Inhabitants of **Epworth**, that in consideration of 2000 Acres of the said land, so

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repair the Bank at Pokedyke, ſo that it might be finiſhed before the Feaſt of *S. John Baptiſt*, upon pain of xx l.

And becauſe it was preſented by *John de Wygenhale*, *John de Reynham*, *&c.* then deputed by the ſaid Juſtices to take earth for the repair of the ſaid bank of Pokedike, from the ground lying neereſt thereto; and that the Abbot of Dereham had within the ſame bank *CCC.* acres of land; they were commanded to take earth off the ſaid Abbots land, lying an Acre diſtant from the Bank, provided that the ſaid Abbot had competent ſatisfaction for the ſame, according to the judgement of the ſaid Jurats: becauſe there was no other earth, within that Bank to be found, ſo proper for that ſervice.

Howbeit, no ſooner was the before-ſpecified Chanel at Littlelode ſo made, as by the Decree of the ſaid Comiſſioners had been directed; but that ſome miſchievous people, broke and threw down the banks thereof; the King therefore, upon complaint to him thereof made, did grant a new Commmiſſion [t] unto the ſaid *Simon de Elleſworth*, and *Thomas de Hakeford*, to view the ſame, and to enquire out the Malefactors.

[t] Par. 23 E. 1 m. 18. in dorſo.

And for the better diſcovery of them, did, the year following, iſſue out another Commiſſion [u] unto *Will. de Bereford*, *Will. de Carletone*, and *Simon de Elleſworth*: by which there is mention made; that *Peter de Campania*, *Thomas de Hacford*, and *Adam de Shorpham*, having been appointed to view where and in what manner the water of Utwille before ſpoken of, might have it's paſſage to the Sea, by Chanels and Gutters, without mixing with the waters of the adjacent Towns, for the more ſecurity of the Inhabitants of that Country; did cauſe it to be ſtopt in three places, and reduced to it's right and antient Chanel.

[u] Par. 24 E. 1. m 11. & m. 13. in dorſo.

The like Commiſſion, [w] about three years after, was directed to *William de Carletone* and *Will. Haward*. Whereupon they met at Welle upon *Wedneſday* after the Octaves of *Eaſter*, at which time and place the Shireeve of Norfolk brought a Jury; who being then and there ſworn, ſaid upon their Oaths, that *Robert Ruſſel*, Bayliff to the Abbot of Ramſeye, *John Mayner*, *Walter Hulleman*, and others, did by force and arms break down that Dam, ſo made at Smalelode, as hath been obſerved: and that *Richard Curteys* broke the other at Wadyngſtowe: for which reſpect the ſaid Shireeve was commanded [x] to take the ſaid *Robert*, *John*, *Walter*, and the reſt of thoſe Malefactors, and impriſon them ſafely, till he ſhould receive farther order.

[w] Ex præf. cod. MS. penès H. Cromwell. arm.

[x] Ibid.

In 1 *E.* 2. at a Seſſion [†] of Sewers held at Cowſtowe (within the Liberties of Tilney) before *Richard de Halſtede* and others, upon the *Monday* next after the Feaſt of the Apoſtles *Peter* and *Paul*; it being found by the Jurors, that the Sea-bank from the ſtone Croſſe unto Cowſtowe, aforeſaid, was then in good repair; *viz.* in bredth *xij* foot, and as high as was neceſſary; the Prior of Weremonde, and Sir *Henry de Walpole* Knight, Attorneys to the Prior of Irworth, did take exceptions againſt that verdict, becauſe it was preſented to be a Sea-bank; alleging, that from Lakebrigge to Cowſtowe, there was not any Sea-bank or Marſh-wall: but that there was a certain Cauſey for driving of Cattell belonging to the Towns of Upwill and Utwell, into and out of their Common within the Fen; which Cauſey was no ſafeguard to any mans land; and that it was then ſufficient for that purpoſe, with ſome repair of a few defects therein.

[†] Ex cod. MS. penès G. Goddard, arm.

Whereupon the ſaid Prior and *Henry* required judgement from the before-ſpecified Commiſſioners therein; and that the perſons who had benefit by ſuch driving of their Cattel too and fro, ſhould contribute to the making and repair thereof, according as they had Commodity thereby, as it was the Cuſtome of the Country, and as the ſaid Kings Commiſſion did direct: which Judgement and Decree, was publiſhed accordingly; and the ſaid Jurors amerc'd for their erroneous preſentment.

After this, *viz.* upon *Saturday* next after the Tranſlation of *S. Thomas* the Martyr, in the firſt year of the ſaid Kings reign, at a Seſſion of Sewers held at Wiſebeche, came the ſaid Prior of Wermonde, and Sir *Henry de Walpole*, before *R. de Seytone* and his fellow Juſtices, in the behalf of the ſaid Prior of Irworth; and took exceptions againſt the verdict of the Jurors made at Welle,

in

in the fourth year of the ſaid Kings reign; in regard they then preſented, that the ſaid Prior had two brecks upon the brink of his Frontier, which he ought to amend and repair; and that they ſaid and decreed; that, from the ſaid **Stone-croſſe** unto **Cowſtowe**, each man ought to be chardged to the making of his ſaid brinks ſo adjoyning to his Frontiers. Which Prior then ſaid; that from **Lakebrigge** to **Cowſtow**, there was neither Sea-bank, nor Marſh-wall, or any other defence than only a Cauſey whereupon the Commoners of the Countrey did drive their Cattel; and that every man ought to be aſſeſſed for the repair thereof, according to the benefit which he had by it; and this he deſired might be enquired of by the Jurors: Who, being accordingly impanelled and ſworn, did on the behalf of the ſaid Commoners of **Welle** juſtifie the ſaid Decree; and thereupon they put themſelves upon tryal of another Jury. Which Jury being ſworn, ſaid, that the ſaid Bank from **Lakebrigge** to **Cowſtowe**, was not then a Bank for the ſafeguard of any mans land, as aforeſaid: howbeit, in antient time, before the freſh waters had their paſſage towards **Wigenhale**, it was a Bank of defence; but ſince that, it neither was, nor could be, except a new Ordinance were made; in regard of the exceſſe of water, and height of the ground.

And they farther ſaid, that the before-ſpecified Prior, in thoſe days, was not alone lyable to the making and repair of the ſame Bank, from his Priory unto **Cowſtowe** (as the ſaid Jurors had preſented) becauſe he did not alone receive benefit thereby. And they ſaid, that the Bank within thoſe bounds, was the ſafeguard and defence of the Fiſhing there, and for the Paſturage of the Commoners; becauſe that by the ſaid Bank the ſame Priors fiſhing and other borderers, was both kept from the Sea-water; and that the Fiſh could not get away into the Fen. And as to the Paſturage; they ſaid, that the ſame Bank did ſerve for divers Commoners and people of the Counties of **Huntenton**, **Cambrige**, and **Norfolke**, to drive their Cattel to and fro from the Commons of the Fen.

And they did finally ordain; that the ſaid Prior, and every perſon having fiſhing within the bounds from **Lakebrigge**, towards **Cowſtowe**, ſhould according to the quantity thereof, and the Commodity he had thereby, make the ſaid Cauſey and Bank: And that the ſaid Prior and every Commoner of the whole Hundred of **Wiſebeche**, and all others, who had drift for their Cattel that way, ſhould contribute to the repair and maintenance thereof, according to the benefit which accrued to them thereby, as aboveſaid. And moreover, that the ſaid Prior ſhould recover damages, for that erroneous preſentment, which were tax'd at *xx* ſ. Marſh-land.

In 7 *E.* 2. *Walter* Biſhop of **Cov.** and **Lich.** and *Henry de Stantone* were aſſigned [y] to view the Banks and Sewers in theſe parts of **Marſhland**, and to take order for their repair. The like aſſignation [z] in 12 *E.* 2. had *John Haward* and *John Hotoft*, for thoſe at **Tirington**. So alſo, the next enſuing year, had *Thomas de Ingoldesthorpe*, *John de Fitton*, *John de Hotoft*, and *Will. Bataile*, for all the banks throughout this Province of **Marſhland**.

[y] Pat. 7. E. 2. p. 2. m. 14. in dorſo.

[z] Pat. 12. E. 2. p. 2. m. 11. in dorſo.

But in this laſt ſpecified Commiſſion, the ſaid *Thomas de Ingoldesthorpe* and his aſſociates, did [a] nothing in effect; ſo that great complaint [b] was made to the King by the Inhabitants in theſe parts: he therefore iſſued out a new Commiſſion to them, bearing date the 24th of *Auguſt*, in the 14th year of his reign, commanding them, that without delay they ſhould proceed therein. Whereupon a Jury was ſummoned to attend them at **Tyrington**, upon *Fryday*, being the Feaſt day of the *Decollation* of *S. John Baptiſt*. Who appearing accordingly, did upon their Oaths preſent, that the preſervation of the Town of **Wigenhale**, on one ſide the great River of the ſame Town *viz.* upon the Southweſt part, was one and the ſame; and that all the Landholders, on that ſide thereof, were equally preſerved: and that the ſafeguard thereof likewiſe on the other ſide, to the North-eaſt, was alſo all one.

[a] Plac. coram Rege term. *Mich.* 15 E. 2. Rot. 22. *Norff.*

[b]

And that the Cauſey called **Old fen diche**, was made and repaired by the Pariſhioners and Tenants of *S. Mary*, *S. Peters*, and *S. Germans* of **Wigenhale**; and not by the Pariſhioners of *S. Mary Magdalens*.

And it was likewiſe found, that aſwell

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the said Causey of **Old fen diche**, as all other Causeys and Banks of the whole Town of **Wigenhale**, of what kind soever; as the Lands and Tenements of all and singular the Tenants of the said Town, were preserved by the said banks from inundation and drowning by the Salt waters: and that the repair of those *Banks* tended to the Commodity of the said Tenants of all that Town; forasmuch as whilst the said *Banks* and Ditches were repaired, the making and maintaining of those Causeys was no chardge at all. And moreover it appeared, that by the view of the said *Thomas* and his associates, and by that Inquisition, that those *Banks* which were good, at the time of the Agistment made by the before-specified *Will. de Carleton*, were then bad; and that many places, which were at that time better than ordinary, were then, by reason of the ebbing and flowing of the Sea, much worse. Whereupon the said *Thomas* and his associates thought fit to make a new Agistment for the common safeguard of the said Town of **Wigenhale**; and therefore ordered, that the Land-holders there, should make good their *Banks* and Ditches on that side of the said River.

[c] Ibid.

After this, in another Session [c] of the said *Thomas de Ingaldesthorpe*, and *William Bataile*, held at **Tirington**, upon *Monday* next after the Feast of *S. Valentine*, in the seventeeth year of the said King *Edward* 2. the Jurors of **Wigenhale** did ordain and say; that it was necessary for the safeguard of the Inhabitants and Land-holders of that Town; as often as any distresses should be made upon any persons for the proportion assessed upon them, according to what they held; or upon the Collectors or Receivers of the moneys so assessed; that, after the impounding of them by the space of three days, or delivery by Replevin, they should be prized by honest and lawfull men of the said Town, in the presence of the Guardians of the Banks, and by the said Guardians exposed to sale; and the money received upon such sale, to be imployed upon the affairs of the Commonalty: And that the surplusage of such money, over and above the just proportion thus assessed, to be restored to the party so distrained: Saving to the Guardians of those Banks, and their Bedels, *Bylaw*, *Byscot*, *Triscot*, and *Wopenys*, according to the Custome of those parts.

But as the expence, in such a constant support of these Banks, Ditches, Bridges, Sluses, and Sewers, within this Province, was great; considering the frequent assaults which the Sea, in tempestuous seasons, did make upon the one side thereof; and the fresh waters of so spacious a Fen, agitated by boysterous winds and storms (especially in the time of extraordinary flouds) on the other: so, for those respects, was the regard not small. For, * whereas the whole Hundred of **Frethebrigge**, in this Shire, considering the chardges whereunto it lay subject, in supporting works of this kind, by reason of the like perils, had time out of mind, in all publick payments whatsoever, relating to the whole County, enjoyed the exemption from any more than a *xij* part thereof; the Towns of this Province, *viz.* **Walsokne**, **Westwalton**, **Walpole**, **Tiringtone**, **Tilney**, **Wigenhale**, and **South Lenne**, were rated but at a third part of that *xij*. as is evident from the said Kings Precept, * bearing date 16 *March*, in the *xviij* year of his reign, directed to *Constantine de Mortimer*, *William Bernak*, *Roger de Kerdestone*, and *Geffrey de Wyche*, then Commissioners for the levying and arraying a thousand & fourty Foot-Souldiers, within this County, for his service. By which Precept it appears; that the certain chardge whereunto this Province stood then exposed, was no lesse than a thousand and fifty pounds *per annum* (a vast summe in those days:) and that within the compasse of *xl* years before, through the raging of the Sea, no lesse than seven hundred Acres of land in this Country, were utterly lost.

* 5 Claus. 18 E 2. m. 12.

In 2 *E.* 3. *Thomas de Reppes*, *Richard de Depham*, and *Thomas Shilling*, were constituted [d] Commissioners for the view and repair of the *Banks*, Ditches, and Sewers, lying betwixt **Wygenhale**, **Tirington** and **Lenne** *Episcopi*. Whereupon the Shireeve had command [e] to summon a Jury to attend them at **Jslington** upon *Monday* being the Feast day of the *Decollation* of *S. John Baptist*: Who appearing, accordingly, presented [f] upon their Oaths, that all the Lands and Tenements, Common of Pasture, and Fishings,

[d] Par. 2. E. 3. p. 2. m. 30. in dorso.

[e] Plac. coram Rege term. *Mich.* 30 E. [f] 3. Rot. 105.

ings, Gutters, Sewers, Bridges, *&c.* lying on the Sea-coaſt, betwixt **Wigenhale, Tirington,** and **Lenne** *Epiſcopi*, were within the Towns of **Tylney** and **Iſlington** (which is a Hamlet of **Tilney**) and did common together; and betwixt which, there was no metes or bounds, the Pariſhes being limited by Fees: ſo that they ſaid; that the defence of the whole Town of **Tilney** and **Iſlington**, aſwell on the South ſide of **Fendiche**, as on the North towards the Sea, was all one: And that all the Landholders of that whole Town were equally ſecured and defended, by all the Sea banks, and banks of the River and Fen, invironing the ſaid Town of **Tilney** and **Iſlington**. And likewiſe, that of neceſſity there ought to be a new Agiſtment made, and an aſſignation of banks in the parts aforeſaid.

And moreover, that it would be neceſſary for the preſervation of thoſe parts; that there ſhould be Kays, and ſix ſhores made, betwixt *Palmerys* **old ut** gung, and the Lands of Sir *John de Ingaldeſthorpe*, at the charge of all the Landholders in thoſe parts: And that every Inhabitant in thoſe parts, ſhould do *Men werkes* according to the number of Acres which they held. And that from year to year, (according to antient cuſtom) there ſhould be choſen three Guardians for the ſafeguard of thoſe parts: And that all the Gutters and Sewers ſhould be maintained in common, at the charge of all the Landholders there, excepting **Iſlington bygge**, and the houſe of *Robert de Middilton*, which is done at the charges of *John de Engaldeſthorpe*, and the heirs of Sir *Robert de Scales*: and excepting **Black diche bygge** at **Tilney Stow**, towards the Fen, which is done at the charges of the Inhabitants of **Walſokne** and **Emneth**.

But the men of **Iſlington**, who held Lands in the fields called **Weſtfeld, Harpe**, and **Sibille**, were much unſatisfied with what was done by the before ſpecified Commiſſioners; and thereupon informed [g] the King, that though they ought not to repair a certain bank, called **Leſſe diche** of **Tilney**, or any part of the ſame, nor ever had wont to do; and that they neither had Lands, common of Paſture, or fiſhing neer the ſame bank, nor any ſafeguard or defence thereby; but that, for their Lands and Tenements, they then did, and of antient time had repaired a certain bank called **Blake diche**, by which they had benefit and preſervation: Nevertheleſs, at the proſecution of the Inhabitants of **Tilney**, who ought, and had alwaies uſed to repair and maintain, totally, the bank called **Heddich**; under colour of an Inquiſition, touching certain things which were amiſs in thoſe parts, taken before them, the ſaid Commiſſioners, they did adjudge a certain part of that bank to be repaired and maintained by the ſaid men of **Iſlingtone**; whereupon they were diſtrained ſo to do. The ſaid King therefore, being deſirous that all parties ſhould have right done to them therein, required the before ſpecified Commiſſioners, to tranſmit the whole proceſs of their doings therein unto him, in the xv. of S^t. *John Bapt.* then next following. At which day, both the men of **Iſlington** and **Tilney** came: but the hearing thereof was then reſpited till the *Octaves* of S^t. *Michael*; and at that time did *Thomas atte Lathe*, one of the Inhabitants of **Tilney**, appear accordingly; but they of **Iſlington** appeared not: therefore the men of **Tilney** had execution of what had been decreed by the before mentioned Commiſſioners.

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At the ſame time there was complaint [h] made to the King, on the behalf of the Abbot of S^t. *Edmundsbury*; that whereas he the ſaid Abbot held certain Lands in **Tilney** and **Iſlyngton**, which had antiently belonged to that Monaſtery; and notwithſtanding that every Landholder there, and in the parts adjacent, ought to defend their own proper grounds, at their own peculiar charge, againſt the force of the Sea; and make and repair certain banks for their better preſervation, by the appointment of the Juſtices of Sewers, and likewiſe by cuſtom: nevertheleſs certain men of thoſe parts, having an aim to alter that their cuſtom, and to compell the ſaid Abbot and certain others, who, to their great charge did make and maintain the banks againſt their own Lands, to contribute likewiſe, in common to the repair of all the other banks; had procured certain Juſtices of Sewers to view thoſe banks; which they did accordingly, not giving notice to thoſe complaynants: the ſaid King therefore,

[g] Ibid.

[h] Ibid.

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by his Writ directed to *Henry le Scrope*, and his fellow Juſtices of the Kings Bench, required them to take the buſineſs into conſideration; and in caſe they ſhould finde, that the before ſpecified information was true, then to diſcharge the ſaid Abbot, and the other perſons concerned therein.

In 5 *E.* 3. *John de Cantebrig*, *Will. Lovell*, *Walt. de Glemesford*, and *John de Waltham* were aſſigned [i] to view the banks and ditches in theſe parts of *Merſh* land, and to take order for their repair. The like appointment [k] in 7 *E.* 3. had *Simon de Drayton*, *Will. Lovell*, *Will. de Dunton*, and *Peter Fitz waryn*.

[i] Pat. 5. E. 3. p. 1. m. 39. in dorſo.

[k] Pat. 7. E. 3. p. 2. m. 25. in dorſo.

[l] Ex cod. MS. penès *G. Goddard*, arm.

In 9 *E.* 3. at a Seſſion [l] of Sewers held at the Church of **Wigenhale** S^t. *Mary*, upon the *Monday* next after the Clauſe of *Eaſter*, before *John Howard* the elder, and other Juſtices; the Jurors preſented; that the ſafeguard of the whole Town of **Tilney** and **Iſlington**, was one and the ſame; and that all the Lands and Tenements, and the holders of them; as alſo of common of Paſture and fiſhing there, were equally ſecured and defended by the Banks, Ditches, and Sewers belonging thereto, from the inundation of the Sea, and flowing of the freſh waters. And they ſaid; that in the dayes of K. *Edward* the firſt, there was an equal aſſignation made, to the Inhaitants and Tenants of theſe Towns, according to each mans proportion, of the banks, ditches, and cauſeys belonging thereto, by *Will. de Carleton* and his aſſociats, then Juſtices of Sewers: at which time the charges were eaſy; but then, through the raging of the Sea, and flouds of freſh waters, very heavy and grievous to bear: As alſo that the ſaid charge was, then, ſo unequally aſſeſſed, that ſome perſons were burthened more by an hundred fold, conſidering their proportions of Land, than others; whereby they were ſo impoveriſh'd, that they were not then able to contribute any farther to theſe repairs: and that by their decay, much damage had already accrued there; and more was likely to happen, if ſpeedy remedy were not had. Wherefore they ſaid, that, of neceſſity, there ought to be a new Agiſtment made, of the ſaid banks and ditches, and an aſſignation of a fit proportion to each man, for the maintaining whereof they might be continually compell'd.

And they ſaid moreover; that the ground whereupon the Ditches and Banks ſtood, betwixt **Eoyenſgole**, and the Eaſt corner of the Tenement of *John de Engaldeſthorpe*, in the **Frith**, within the ſaid Towns of **Tilney** and **Iſlington**, was daily torn up by the boyſterous Sea-tides, and flouds of freſh waters; inſomuch as the ſaid banks could not be preſerved, in any ſort, by that Agiſtment, to defend the ſaid Town from drowning: therefore they ſaid, that for ſafeguard of that Town, there muſt, of neceſſity be made certain *Kays*, and four or ſix *Schrops*, betwixt **Eoyenſgole**, and the ſaid corner, at the charge of all the Landholders throughout the whole Town.

And they ordained; that, whereas by reaſon of the like danger in another place, between **Knight's gole**, and the gutter called **Cattesback dole**, the Sea banks would not be ſufficient to defend the Town from drowning; there ſhould be made, forthwith, certain *Kays* and *Schrops*, at the charge of the whole Town: and and that no bank ſhould be thrown down towards the River, betwixt thoſe Goles, in any place but where they then were, untill by aſſeſſment they could be maintained at leſs charges. And that the whole bank and chanel of the river, betwixt the ſaid gutters be made; and, if need required, raiſed two foot higher; ſo that it ſhould contain *xiii.* foot in bredth at the top, and at the bottom a thickneſs proportionable thereto.

And they alſo ſaid, that the banks upon the river ſide, betwixt **Skalys gole** and **Cattesbak**, were grown ſo narrow towards the bottom, by reaſon of the often ſinking down of the Earth, that the Cart way, which is of *xxiiii.* foot in bredth towards the ſaid banks and ditches, for the whole length thereof, was by thoſe banks and ditches totally interrupted and ſtopt: whereupon they ordained, as before that time it had been, that *xxiiii.* foot of ground ſhould be added thereto, from the Land next adjoyning.

And they farther ſaid, it was neceſſary, that all the Sewers and Gutters, great and ſmall, as alſo the common Bridges in **Tilney** and **Iſlington**, with the gutters of **Sibley**, and at the Mill, ſometime belonging to *William de Fen*, upon the Fen ditch in **Tilney**, ſhould be continually repaired, at the charges of the whole Town,

as

as often as need ſhould require; with the help of the Town of **Tirington**; and for ſcouring the Sewers of **Wiſenhamdale** in **Tilney**, to the gutter called **Scales gole**; and to make and maintain the ſame gutter continually: which ſaid aſſiſtance did meerly belong to the Inhabitants and Landholders of **Tilney**, for the drayning and avoiding of the waters from all the Tenements of the Town of **Tirington**, betwixt **New Fen ditch**; *viz.* from the houſe of *Laurence Chapell* Northwards, to the great Sea bank; within which ſpace, more than five thouſand acres were contained; excepting the great gutter called **Knight's gole**, which was to be made and maintained, aſwell at the coſts of **Tirington**, **Walpole**, **Walſoken**, and **Emneth**; and that part of **Wigenhale** which hath commodity thereby, as the Towns of **Tilney** and **Iſlington**; and excepting the Bridge at *Robert de Midleton*'s houſe, which was to be alwaies made and maintained by *John de Engaldeſthorpe*, and *Robert de Scales*, in conſideration of the fiſhing there, antiently granted to them and their anceſtors, and accordingly enjoyed, in common with the Towns of **Tilney** and **Iſlington**. And excepting likewiſe the Bridge called **Black ditch bridge** unto the Fen at **Tilney ſtowe**, which the Inhabitants and Land-holders of **Walſoken** and **Emnethe** were obliged to make and continually maintain, for the waters deſcending thereby to the Sea, as they had uſed to do, for the cauſe aforeſaid, time out of mind. And likewiſe excepting the ſeveral Bridges of all the Tenants and perſons converſant upon that Sewer, which was betwixt the houſe of *Rob. de Midleton* and **Gullyſgole** in **Iſlington**: & excepting all the particular Briges of ſuch perſons as were converſant upon the Sewers betwixt the **Fedditch**, and **Cuntesforth bigge**, in **Tilney**; becauſe they belonged ſpecially to thoſe perſons.

And they ſaid that the Sewer from **Cullowe** in **Tirington**, to **Tilney Fen bigge**, ought to be *xii* foot in bredth throughout; and the Bridge there of the ſame wideneſs at the bottom. And that the Sewer from thence to **Iſlington** bridge, ought to contain *xvi* foot in bredth, throughout; and the ſame bridge *xii* foot at the ground. And the Sewer from thence, unto the gutter called **Knight's gole**, *xviii* foot in bredth for the water courſe; & every Bridge beyond that Sewer, upon that current, *xvi* foot in bredth. And that all the ſaid Sewers, with the Gutter, called **Knight's gole**, and the common bank adjoyning to the ſaid Gutter, ought to be repaired & cleanſed, from thenceforth, aſwell by the remote Towns, which have benefit thereby, as by the ſaid Towns of **Tylney** and **Iſlington**, as antiently had been accuſtomed. And that the common Sewer, betwixt **Old fen diche**, and **Oſgood hiene** ſhould be eight foot in bredth at the leaſt: and that upon the cleanſing and ſcouring thereof in every place, half the earth ſo caſt out, to be carryed to raiſe the common Drave higher. And all the Bridges over the ſaid Sewer, ſix foot in bredth, at the leaſt: which Sewer to be ſcoured at the charge of all thoſe that reſided neer thereto. *Marſh-land.*

And they likewiſe ſaid, that the Sewer from the weſt ſide of the croft, belonging to the meſſuage of *Will. de Weſtbrigg*, ought to be alwaies ſcoured and maintained, amongſt the reſt of the common Sewers, unto the North part of the Abbot of **Dereham's** Land, by the Hadeland there lying, and there turning neer the ſame Land, to the Sewer next unto the Drave. And that the Trenches betwixt the tenement of *John* the Son of *Peter Drugh*, & *John Sabine*, and elſwhere in the Hadeland, called **Sonnerſtye**, which is unduly made a comon path, ſhould be forthwith ſtopp'd up, and ſo kept thenceforth, to the end that the ſame path might be hindred.

And they moreover ordained, all the Sewers belonging to the ſaid Town of **Tilney** and **Iſlington**, to be opened in every place, and ſo kept for ever.

And they farther decreed, that for the inviolable performance of all the before-ſpecified Ordinances, reaſonable Taxes ſhould be moderately aſſeſſed by the Guardians for the ſafeguard of thoſe places; and chiefly by *xii.* others authorized and aſſociated to them; and then collected by *Geffrey at Falyate*, &c. And that the ſaid Guardians, with the aſſiſtance of thoſe twelve, ſhould diligently enquire of the tranſgreſſors of thoſe Ordinances; and compell them to make due ſatisfaction for the ſame, by diſtreſs & ſale of their goods, & grievous amercements, as often as there ſhould be occaſion.

And the ſaid Jurors did alſo decree,

Marſh-land. decree, that the ſame penalties and puniſhments againſt ſuch as ſhould violate thoſe ordinances, or negligently in any ſort withdraw themſelves in the obſervance of them, ſhould firmly and inviolably be impoſed from thenceforth, for ever, as were then, and had time out of mind been uſed in *Wigenhale*, and other Towns in theſe parts of **Marſhland**, for the ſafeguard of the Country; *viz.* that as often as any one, of what eſtate or condition ſoever, ſhould not repair his proportion of the banks, ditches, and cauſeys before-ſpecified, for the preſervation of the ſaid Towns of **Tilney** and **Iſlington**; as alſo the ſaid common Sewers belonging to him, according to the Ordinances aforeſaid; that a fit day ſhould be aſſigned him by the before-ſpecified Guardians, before which no peril might probably happen: and in caſe he did not perform the ſame within that time, that *xii* [d]. (which is called a *Bilawe*) ſhould be levyed upon him, for every perch unrepaired: And then another day to be given him, to accompliſh the ſame, before which no danger might in likelyhood happen; and in caſe he did not make performance thereof before that time, that then he ſhould pay for every perch two ſhillings, which is called *Biſcot*. And then, that a third day ſhould be allowed him to effect the ſame, before which no peril might probably happen; within which time in caſe he fayled, to pay for every acre three ſhillings, which is called *Triſcot*: And thenceforth that the ſaid delinquents in thoſe neglects, to be alwaies diſtrained, and the diſtreſſes to be prized openly, and ſold by *xij* honeſt and lawfull men of the ſaid Towns of **Tilney** and **Iſlington**; and the moneys ariſing by ſuch ſale of thoſe diſtreſſes, imployed in the performance of the ſaid repairs; and the remainder, in caſe there ſhould happen to be any, to be forthwith reſtored: Saving alwaies to the ſaid Guardians, the forfeitures of the *Bilaws*, *Biſcots*, and *Triſcots*, for the cauſes aforeſaid.

In the Winter ſeaſon of this year, ſo great were the tempeſts, [m] that the Towns of **Walſoken**, **Weſtwalton** and **Enemuthe** received extraordinary loſs by inundations from the Sea, inſomuch as they became Petitioners to the King for ſome alleviation of the taxe, of a *Fifteen*, then granted to him in Parliament by the Commons of this Realm: whereunto the ſaid King did graciouſly condeſcend, and thereupon directed his Precept [n] to the Treaſurer and Barons of his Exchecquer, as alſo to the Aſſeſſors and Collectors of the ſame, to abate unto them eight pounds thereof, the whole ſum being *Lx* l. The next year following, *Geffrey de Colevill*, *Roger de Hakebeche*, *Geffrey Bryſeyard*, and *Adam de Fincham*, were conſtituted [o] Commiſſioners for the view and repair of the banks and Sewers neer **Walpole**, in this Province. In the winter of which year, the Sea was ſo outragious, that it brake the banks in ſundry places, drowned many cattel, and ſpoyled a great quantity of corn: ſo that the Inhabitants of **Tilney**, **Walpole**, **Walſokne**, **Weſt walton**, and **Emenethe**, petitioning [p] the King for remedy therein, he aſſigned [q] *Conſtantine de Mortimer*, *John de Hiderſete*, and *John de la Rokele*, to make enquiry thereof, and conſider of ſome ſpeedy way of redreſs.

Whereupon a Jury was impanelled and ſworn; who preſented [r] upon Oath, that the Town of **Tilney** had a certain bank towards the Sea, on the Eaſt part of the ſaid Town, extending it ſelf from the Town of **Clenchwarton** towards **Wigenhale**, and containing in length two miles; the charge in repair and maintenance of one mile and an half thereof, amounted to *Lviii* l. *x* s. *viz.* for every perch *xviii d.* and the other half mile *vi* l. *x* s. *viz.* for every perch *vi d.*

Tilney.

And they ſaid, that upon Monday next after the Feaſt of S[t]. *Hillary*, preceding, the ſame bank was ſo broken, by the raging of the Sea, in no leſs than five places, that the Town of **Tilney** was overflowed with the Sea water, and the Lands, Meadows, and Paſtures belonging thereto, continually drowned for the ſpace of ſeven days, by which means their winter-corn, then ſowed upon the ground, was deſtroyed, as alſo much of the corn and hay in their Barns; with *C.* Muttons, and *Lx. Ewes*, to the damage of *CCC* l. unto the ſaid Town.

And they ſaid, that before they could make good that bank, called the *Indike* (containing four furlongs and an half in length) for the ſafety of the ſaid Town, five Meſſuages, and *xl.* acres of ground, which were the Lands of *Thomas de Ingaldeſthorpe*

[m] Clauſ. 9. E. 3. m. 18.
[n] Clauſ. 9. E. 3. m. 18.
[o] Par. 10. E. 3. p. 2. m. 22. in dorſo.
[p] Eſc. 11. E. 3. n. 110.
[q] Eſc. 11. E. 3. n. 110.

desthorpe, and others, with divers goods then therein being, were utterly loſt, to the damage of a *C* l. And they ſaid, that the Inhabitants of that Town expended in the repairing the ſaid four furlongs and an half of the ſame Indike, *xl* l. and that to make the ſame good, as it antiently had been, would require *Lx* l. more.

And they ſaid moreover, that within the compaſſe of *Lx.* years then paſt, one Pariſh Church, with the Parſonage, was by the breaking in of the Sea, ruined: and within *xxx* years, a Mannour houſe of *Robert de Scales*, and of his Tenants, and others, *xx* meſſuages, with an hundred Acres of Land, utterly loſt for ever.

And they farther ſaid, that the ſame town of **Tilney** had another Bank on the North ſide thereof, for its defence towards the Sea; *viz.* in length from **Tyrington** one mile towards **Clinchwarton**; the repair whereof ſtood them in *xl* s. by the year. And that they had another Bank towards the Fen, called **Pokediche**, containing in length one mile, for defence thereof againſt the freſh waters; the repair whereof ſtood them in *xl* s *per annum*. And that the whole yearly chardge which the ſaid town of **Tilney** did undergo, in the repair of the ſaid Banks, Gutters, great and ſmall, Bridges, Kays, and Schores; with ſeveral Sewers, for the preſervation thereof, came to *Cxl* l.

And they likewiſe ſaid, that this town of **Tilney** by that grievous tempeſt ſo hapning upon the *Monday* before-ſpecified, loſt one Gutter, called **Scales goule**, to their damage of *xxx* l. And that the charge in new making of *xij* new Gutters, great and ſmall, five Bridges to be new made, or repaired, and divers Sewers, would amount unto *xxx* l. which of neceſſity muſt be done the Summer following.

And they ſaid, that theſe dangers did every year much increaſe upon them, in regard that the *Fifteen* taxed upon them for the two preceding years, amounted to *Lx* l. and the raiſing, arming, and arraying of Hobelars and Mariners *xx* l. there being *DCCxlvij* acres of land, lying within them, which belonged to the Abbies of **S. Edmundſbury** and **Dereham**, and other Religious Houſes, which were aſſeſſed with the Spiritualities, and therefore contributed nothing therein. Wachefunum

And they ſaid [f], that the town of **Walpole** had a certain Bank, on the North part thereof, for its defence towards the Sea; which Bank extended from the town of **Tirington**, to the Gutter of **Waltone**, called **Nobrche gole**, containing in length three miles; whereof two miles would require *CC* l. *per annum* chardge, and the reſidue *xl* s. [f] ibid. n. 112. Walpole.

And they alſo ſaid, that upon the before-ſpecified *Monday*, next after the Feaſt of *S. Hillarie*, the ſame Bank was ſo torn by the raging of the Sea, that the Inhabitants of the ſaid town beſtowed *xl* l in the repair thereof.

And they ſaid moreover, that in the eighth year of the ſame Kings reign, upon the Eve of *S. Andrew*, a certain Sea-bank, at **Riſſofte**, broke by the violence of the waves, whereby two hundred acres of land were utterly loſt for ever: And that within thirty years then laſt paſt, they likewiſe loſt for ever, one Pariſh Church, *xx* meſſuages, and *CCC.* acres of land. And likewiſe, that the Inhabitants of this Town were at the yearly chardge of *Lx* s. in repair of the Gutters great and ſmall, with divers Bridges belonging thereto. And that the ſaid Town had alſo another Bank towards the Fen, called **Pokediche**, for defence thereof from the freſh waters; which Bank contained one mile in length, and ſtood them in *xl* s. *per annum* repair.

And they ſaid, that the town of **Walſokne** had a certain Bank for it's defence towards the Sea, extending from **Warſanglefowe** to **Emeneth menps**, and containing in length three miles; whereof the repair for one mile, amounted to *xxvi* l. *per annum*, *viz.* for every perch *vi* d. And that the ſame Bank, was ſo broken by the rage of the Sea, upon the before-ſpecified *Monday*, that the Inhabitants of the ſaid Town were at *xx* l. coſts in repair thereof: And that in the eighth year of the Reign of the ſaid King, upon the like occaſion, they ſpent *xxx* l. And that the yearly chardge in repair of the Gutters great and ſmall, and Bridges, for ſafeguard of the Tſaid own, amounted to *C* s. Walſokne

And they likewiſe ſaid, that the ſame Town had a certain Bank called **Pokediche**,

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viche, towards the Fen, for defence thereof from the fresh waters; which Bank, containing one mile in length, had *xl s. per annum* bestowed thereon in repairs.

And they said, that the before-specified Inhabitants, in repairing of one Gutter at Colevile's Mill, in the twelfth year of King *Edward* the second's reign; and another at Coldhirne, in the eighteenth year, for drayning the waters from their lands to the Sea, expended *xl l.*

And that the stream of the water, called Wallenhee, which had wont to run towards the Sea, under the Sea-bank of Walsokne, where it had made so great a depth and hollownesse, that the Lands in that Town had a sufficient evacuation of their waters, to the Sea, thereby; being, at the sute of the Inhabitants of the Counties of Northampton, Cambridge, Huntendon, and Lincolne made to the King, and judgement of his Court, diverted towards Wigenhale, by Well dam; the sands were grown to that height in those Chanels, wherein it had formerly passed, that the waters of the said Town of Walsokne could not drayn, any longer, that way; by reason whereof no lesse than *CCC.* Acres of ground sowed with Winter Corn, were in the seventh year of the reign of the said King (*Edward* 3.) overflowed and drowned, to the damage of fifty pounds; *viz.* every Acre *xl s.* And in the eighth, ninth, and tenth years, for want of the like Drayning, their losse was *xlv l. viz.* every year for each Acre *xij s.*

The new course of Wellen Eee.

West Walton.

And they said, that the Town of West Walton, with the Hamlet of Enemeth, had a Bank for defence of the Sea; beginning at Nobeche gate, and extending it self in length to a certain boundary, called Wiarthanglesse, two miles and an half; whereof one mile cost them *xl l.* And that they had another Bank of defence against the Sea, extending it self from a certain place, called Sardiche, to Borred hirne, containing in length three miles; the repair whereof did cost yearly, in the whole, *vi l.*

And they said, that the same Bank in West Walton, was so broke in the Winter preceding (upon the said *Monday* next after the Feast of S. *Hillarie*) that the Inhabitants of that Town and Hamlet, were at *Lx l.* charge for repair thereof, and for safeguard of the same; over and above the cost which they yearly had used to be at therein: And that in the said eighth year of the before-specified King, on the same Eve of S. *Andrew* the Apostle, they lost by the raging of the Sea, fourscore Acres of land; by reason whereof, they were constrained to make a new Sea-bank, of four furlongs in length, which cost fourscore pounds, *viz.* every particle *x s.* And that in the first year of the said King, they lost seven messuages, and sevenscore Acres of land and an half, by the violence likewise of the Sea. And in the tenth year of K. *Edw.* the second, they also lost, by the like means, *xiij* messuages, and eightscore Acres and an half of Land; and in the second year of the same King *Edward* 2. *xij* messuages and sixscore Acres of Land.

And that they had a certain Bank called Pokdiche, for defence against the fresh waters, containing in length one mile, which stood them in *xl s. per annum* chardge. And they said, that the same Town and Hamlet did maintain three Gutters for drayning away of the fresh water; one towards the Sea, and two towards the Fen; which were new repaired in the ninth year of the then King, to the cost and expence of *xl l.* and that the yearly chardge in repair of them, came to *xx s.* And that in Gutters, Pipes, Sewers, and Bridges, they spent yearly no lesse than *Lx s.*

And they said moreover, that the four Towns before-mentioned, with the Hamlet, had a certain Gutter, called Knight's gote, which then wanted repair; as also a certain Sewer to the same Gutter, extending it self five miles in length, the chardge in repair whereof, amounted to *Lx l.*

Wigenhale.

And they said, that Wigenhale, Tirrington, and South Lenne were neighbouring Towns: and that Wigenhale had a certain Bank, containing in length seven miles; on one side the great River, called Wigenhale hee. And on the other side of that River, a Bank of three miles in length.

And that they had a certain Bank for defending of the fresh waters; as also Bridges, Pipes, and Sewers, Causies and floudgates which occasioned them much expence every year.

And

And they ſaid, that on the morrow after the *Epiphany*, in the third year of the then King, a certain Bank on the Weſt part of the ſaid River, by means of the raging of the Sea, broke; ſo that the Tides entred and overflowed a thouſand Acres of Land, ſowed with Corn, to the great damage of the ſame Town. And that on the Weſt part of the ſaid River, by reaſon of the like tempeſts, hapning upon the Eve of S. *Hillarie* next before, the before-ſpecified Bank was broken and torn, ſo that the tides entred, bore down a Houſe, and overflowed *CC.* acres of land ſowed with Corn. And that, on the Eve of S. *Andrew*, in the eighth year of the ſame King, the ſaid Bank, was by the like miſhap broken again, for the length of three furlongs, in a certain place called **Burtys bithe**, inſomuch as the tides flowing in thereat, overwhelmed a thouſand Acres of Land ſowed with Corn: And that on the morrow after the Feaſt of S. *Hillarie* then laſt paſt, there was by the like means, a breach made on the Eaſt part of the ſame River, whereby eightſcore Acres of Land ſowed with Corn were overflowed.

Tirington. And they ſaid, that the men of **Tirington** had a certain Sea-bank, containing three miles in length; and another Bank for defence of the freſh waters; as alſo Gutters, Bridges, Sewers, and Cauſies, which occaſioned them great expences every year. And that the Gutter, called **Drehowe**, was broken on the Eve of S. *Hilarie* then laſt paſt; and likewiſe another Gutter, called **Newethowe**, by the violence alſo of the Sea; both which did then want repair. And that a certain Gutter, called **Giggesthowe**, was alſo ſo broken, that it ſtood in need of repair.

And they laſtly ſaid, that the Town of **South Lenne**, with the Hamlets, had a Sea-bank, and Sewers, with Bridges and Floud-gates, which were alſo very chargable to them.

The ſaid King therefore much compaſſionating the great loſſes which the Inhabitants before-mentioned did ſuſtain, by reaſon of thoſe lamentable breaches in their Banks and inundation of the Sea, as aforeſaid; conſtituted [t] *John Howard ſenior*, *Gilbert de Hetbil*, *Geffrey de Bruſierd*, *John de Swafham*, and *Adam de Walſokne* his Commiſſioners to view the ſame; and to make new Agiſtments for the ſame Sea-banks, for the ſafeguard of the Country, as often as need ſhould require. Marſhland.

t Pat. 11. E. 3. p. 3. m. 2. in dorſo.

And the next year following, there being [u] a *Tenth* and *Fifteenth* to be Aſſeſſed and Collected, which had been granted to the King in his Parliament held at **Notingham**, about two years before, upon the humble Petition of the Inhabitants of **Tilneye**, **Walpol.**, **Walſokne**, and **Weſt Walton**, and the Hamlet of **Enemethe**; as alſo of the Towns of **Walgenhale** and **Tirington**, exhibited to the ſaid King; by which they repreſented their extraordinary loſſes by the before-ſpecified inundations; deſiring, that the Aſſeſſment might not extend to any other of their Goods and Catalls, than what they had remaining after thoſe their diſaſters; the King tenderly commiſerating their condition, required *Conſtantine de Mortimer* and *John de Hederſete*, who were then appointed Collectors thereof in this County, that they ſhould not aſſeſſe it in the Towns beforementioned, otherwiſe than according to the direction which they had ſpecially received from himſelf, under his Seal to that purpoſe; whereby **Tilney** was taxed at *x* l. **Walpole** at *xvi* l. *viij* s. **Walſokne** at *xij* l. **Wellwaltone**, with the hamlet, at *xvi* l. *ij* s. **Walgenhale** at *xi j* l. *iiij* s. & **Tirynton** at *xvi* l. *ix* s. *vi* d. And thereupon he commanded [w] the Treaſurer and Barons of his Exchequer, that they ſhould, for the conſiderations aforeſaid, accept thereof; and upon payment of thoſe ſums, diſchardge them of the ſame.

u Clauſ. 12 E. 3. p. 1. m. 40.

w Ibid.

In 16 *E.* 3. *Will. Corbet*, *John de Houtone*, and *Edmund Noen* were conſtituted [x] Commiſſioners for the view and repair of the Banks, Ditches, and Sewers throughout all this Country of **Marſhland**. And in 20 *E.* 3. Sir *Robert de Cauſton*, and Sir *William de Dunton* Knights, *Edmund de Gunevyle* Parſon of the Church of **Tyrington**, *John de Brymmeſley*, *Adam de Walſokne*, and *Thomas de Welverton* had the like Commiſſion [y] for thoſe Banks in **Tyrington**; with direction to make new Agiſtments for the better ſafeguard of them, as often as need ſhould require. So alſo the ſame year, with the like direction and power for making new Agiſtments, had [z] *John de Hederſete*, *Robert de Hakebeche*, *Roger de Derſingham*, *Hugh de Walton*,

x Par. 16. E 3. p. 2. m. 24. in dorſo.

y Par. 20. E. 3. p. 2. m. 18. in dorſo.

z Ibid. p. 3. m. 20. in dorſo.

Marsh-land.

Walton, and *Adam de Walsokne*, for all the Sea-banks throughout this whole Province.

In the same year, the Inhabitants of **Wigenhale**, **Walpole**, **Walsokne**, **Tylney**, **Tirington**, **West Walton**, and the Hamlet of **Enemethe**, complaining [a] to the King; that though the Assessors of the *Fifteenth*, granted to the King in Parliament, in the *xi*th year of his reign, of all their goods movable, for the term of three years, did tax them the said Inhabitants at lesse sums for the said *Fifteen* than they had used to be rated at before their losses by the Seas inundation (as hath been observed) And that though the same persons had often undergone the like, since that time; nevertheless the late Assessors of another *Fifteenth* then granted to the King, had exacted from them the antient sum; wherewith their said Towns were chardged before they suffered such losses; and that the Collectors of VVooll, did impose the like rates upon them; and not only so, but that the Shireeve had endeavoured by distresses to levy the arrears of that old *Fifteen*, whereof, by the said Kings special direction, they were to have abatement; he therefore appointed [b] *William de Thorpe*, *John de Walton*, and *Roger Petygard* to make enquiry thereof, and to certifie the truth in the premisses.

[a] Par. 21. E. 3. p. 2. m. 9. in dorso.
[b]

By virtue of which Commission, the said *William*, *John*, and *Roger* sate [c] at **Tylney**, upon *Monday* next after the Feast of the *Nativity* of the blessed Virgin, in the year aboveſaid; before whom the Jurors presented; that in and after the *xi*th year of the then King, there were destroyed and drowned by the raging of the Sea, ten messuages and *C.* acres of Land in **Wigenhale**, belonging to divers persons; and that several other Lands were there dayly overflowed, and in danger likewise of being lost. And that the Lands and Tenements of the Inhabitants of the said Town, did lye on both sides that arm of the Sea, which ran through the midst of the said Town. And they said, that the men of that Town, by reason of the beforementioned arm, did yearly repair and maintain two *Banks*; the one containing six miles in length, and the other three, the chardge whereof amounted to *Cxx* l. *per annum*, and more; as by estimation they were given to understand.

[c] Esc. 21. E. 3. n. ...

Wigenhale.

And they likewise said, that the before-specified Inhabitants, did yearly repair and maintain one *Bank* called **Pokediche**, containing two miles in length, for their defence against the fresh waters, the charge whereof came to *Cs. per annum*, and more.

And they said, that in that same *xi*th year and afterwards, there were by the said inundation, *Cxl.* Acres of Land in **Walpole**, drowned, and for ever lost. And that the Inhabitants of that Town, did yearly repair and maintain a Sea-bank, containing three miles in length, which extendeth it self Northwest, from the Town of **Tyington**, unto a certain Floud-gate of **Walton**e, called **Nobeche gote**; for the repair & maintenance whereof, the Inhabitants of the same Town did yearly expend *Cxij* l. And that they did repair and maintain a certain Ditch, called **Pokediche**, containing a mile in length, for their defence from the fresh waters; the charge whereof came to more than *x* l. *per annum*: besides other new works about those Banks, which yearly rose to *xl* l.

Walpole.

And they said, that in the same *xi*th year, and afterwards, two Gutters, which had been then lately made at **Walsokne**, for avoidance of the fresh waters of that Town, towards the Sea, were wholly filled up by the raising of silt, and utterly destroyed; by reason whereof *CC.* Acres of Land, belonging to several men there, were every year overflowed, in Winter time, to the damage of ten pounds to the Inhabitants. And they said, that the before-specified Inhabitants of that Town did repair and maintain, for every acre of land within the same, four foot of the Sea-bank, for defence of their lands against the Ocean. And likewise, for every acre of land in the same Town, one foot of the Bank of **Pokediche**, for keeping off the fresh waters; the charges of both which was more than *xxx* l. *per annum*. And that they did likewise yearly repair and maintain one Sewer, containing five miles in length; *viz.* from the Town of **Walsokne** to **Wigenhale**, which stood them in more than ten pounds *per annum*.

Walsokne

And they said, that in the same *xi*th year, and afterwards, seven messuages, and ten acres of land, belonging to divers men in the Town of **Tilney**, were by the

Tilney.

the like outragiousnesse of the Sea, drowned and for ever lost; and that divers lands of the Inhabitants there, were dayly overflowed. And they farther said, that the said Inhabitants of that Town, did yearly repair certain Sea-banks, towards the River, called **Wigenhale Ee**, *viz.* from **Catysbac-gole** to **King's gole**, which contain *xxiiij* furlongs in length; whereof *xviij* do extend from a certain place called the **Hope**, to **Edeyenesgole**, and were often subverted by the Sea-tides, so that the men of that Town did thereby lose a great part of their land yearly. And they said, that the before-specified Inhabitants were at the yearly charge of three pounds, for repair of six furlongs of the said Ditch, and for every furlong, besides, ten Marks.

And they said moreover, that there was a certain Gutter, called **Scales gole**, but lately made, for safeguard of the lands of those Inhabitants; which was then destroyed by the Sea-tides; by reason whereof, a great part of the said Town was drowned and made yearly much worse, to the annual damage of *xx* l. so that, for the better defence of their Lands, and Bank, they were constrained to make two Scores, the charge whereof came to *C.* Marks, which Scores were also, by the raging of the Sea, overthrown and spoiled, to the losse of that Town *C* l. And they likewise said, that the before-specified Inhabitants did every year expend *xx* l. in the repair of two Banks, *viz.* **Pokedyche** and **Blakedyche**, for defence of their lands against the fresh waters: and that they were at the yearly charge of *xx* l. more, for other common works; and likewise *x* l. for maintenance of their Gutters and Sewers.

Tiring-ton. And they said, that in the same *xi*th year and afterwards, a thousand Acres of land, belonging to the Town of **Tirington**, were yearly overflowed by inundation of the fresh waters, in regard that the Sluse called **Scales gole**, being destroyed and spoiled by the Sea-tides, as aboveside, did occasion the breach and ruine of another Sluse, called **Orhowe**, by which the said fresh waters passed to **Scales gole**, the damage whereof was *Lx* l. yearly to the said Town. And they also said, that *CC.* Acres of Marsh, belonging to the same Town, *viz.* in **Ruthemerthe** and **Newemerthe**, were also overflowed by the said tides, to the damage of the said Inhabitants, more than six Marks yearly. And that the said Town, for repairing of the Sea-bank, containing two miles and an half in length, and of the Bank of **Pokedyche**, containing one mile in length, was at the yearly chardge of *xxxix* l. and upwards. **Marsh.**

West Walton. And they said, that in the before-specified year, and afterwards, sixscore acres of land belonging to the Inhabitants of **West Walton**, were overflowed by the Sea-tides, to the yearly damage of *xl* l. by reason that the Sea-banks were, with such fearfull tempests, so broken as aforesaid; and that the charge in repair of them came to more than *Lx* l. *per annum*. And that they did yearly repair, for every acre of land lying in the said Town, six foot and two inches of the said Sea-banks: and likewise for every acre, one foot of the said Bank called **Pokedyche**, the charge whereof amounted unto *xl* l. yearly, and more. And that they also spent *x* l. *per annum*, in repairing of Gutters and Sewers, for draining of their land. And they said, that fiftie three messuages, and three hundred acres of land in that Town, were drowned and utterly lost for ever, by the inundation of the Sea.

Enemeth. And they lastly said; that in the year aforesaid, and afterwards, ten messuages, and an hundred acres of land, belonging to several persons, within the Hamlet of **Enemeth**, were utterly destroyed and drowned by the same inundation of the Sea. And that the Inhabitants of that Hamlet were at the yearly charge of *xxx* l. and more, in repairing of the Bank called **Pokedyche**, for the safeguard of their Land.

Upon the return of which Inquisition, wherein those their great losses, and constant yearly charges were so evidently set forth, the said Inhabitants of **Wygenhale**, and the other Towns before-mentioned, did again Petition [d] the said King; representing their hard usage [e] from the Assessors of certain *Fifteens* and *Tenths*, then lately granted to him, in Parliament, by the Commons of this Realm; *viz.* that whereas, in the eighth year of his reign, the Town of **Wigenhale** was taxed at *xxxvij* l.

[d] [e] Clauſ. 22 E. 3. p. 1. m. 5.

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Walpole at xxxv. l. x. s. Tilney at xxx. l. West Walton at xxiii. l. Walſokne at xxvi. l. viii. s. Tirington at xl. l. ix. s. and Enemethe at xiii. l. for the *Fifteen* then granted: and, that notwithſtanding ſo much of their Lands had been drowned and utterly conſumed; as alſo, that by reaſon of the frequent inundations, ſince hapning, they had little hope of the recovery thereof; yet did not the ſaid Aſſeſſors for the *Fifteens* and *Tenth*, granted in the eleventh year, and two more *Fifteens* and *Tenths* granted in the eighteenth and twentieth years of the ſaid Kings reign, ceaſe to tax them as heavily, as they had been levyed in the eighth year above-mentioned: Leſt therefore, in regard of their diſabilities to bear ſo great a burthen, they ſhould be compelled to leave the Country; the ſaid King, taking the premiſſes into mature conſideration, and adviſing therein with his Council, directed his Precept [e] to the Treaſurer and Barons of his Exchequer, requiring them to accept of two parts of the ſeveral ſumms ſo impoſed, and to abate the third unto thoſe particular Towns before-named.

[f] [g] Pat. 23 E. 3. p. 1. m. 30. in dorſo.

The next year following, the King being advertiſed, [f] that the Bank called Pokedyke, which by the aſſent of the whole Commonalty in thoſe parts, had of antient time been raiſed and made, for the defence and ſafeguard of the Town of Wygenhale, and the parts aboveſaid, againſt the ſuddain inundations and violence, aſwell of the Sea, as of the freſh waters, uſually annoying them; was at that time ſo torn and broken, that divers ineſtimable loſſes, for default of its repair, had hapned; and that more were like to be in proceſs of time, unleſs ſome ſpeedy remedy were had; aſſigned [g] *John Howard*, *Robert de Cauſton*, *John de Berney*, *Will. de Wychingham*, and *Roger de Derſingham*, to take a view thereof; and to enquire by the Oaths, aſwell of Knights as others, by whoſe default the ſaid breaches were ſo made; and who they were that did commonly drive their Cattel upon the ſame Bank: and by heavy diſtreſſes and amercements, to conſtrain all ſuch perſons, as well thoſe who were guilty of the ſaid breaches, as thoſe who had any benefit by the ſame bank, together with others who were obliged to the repair thereof, in caſe there were any ſuch, to take ſpeedy courſe for the amendment of the ſame, according to the proportion of what each man held.

In 26 *E.* 3. Sir *Robert de Cauſton* Knight, *Raphe de Rocheford*, *Hugh de Walton*, and *Raphe de Bygeney* were conſtituted [h] Commiſſioners, for the view and repair of the Banks, Ditches, and Sewers in Walpole and Walton. Several other Commiſſions were, in the ſucceeding years, iſſued out to the like purpoſe; *viz.* in 27 *E.* 3. to [i] the ſame Sir *Robert*, *Raphe*, *Hugh* and *Hugh*, together with *Thomas de Baa* and *Will. Durant*, for all thoſe upon the Sea-coaſt, in this Province. In 28 *E.* 3. to [k] *Will. de Dunton*, *Rob. de Hakebeche*, *John de Tylney*, *John de Wilton*, *Will. Durant* and *Hugh de Walton*, for the ſame Sea-banks. In 30 *E.* 3. to [l] *John Bardolf* of *Wirmegeye*, *Ric. de Wylughby*, *John de Berneye*, *Adam de Shiryngham*, and *Roger de Derſyngham*, for thoſe in South Clenchewarton and Wigenhale. In 32 *E.* 3. to [m] Sir *Saier de Rocheford*, Sir *Rob. de Cauſton*, and Sir *John de Tilneye* Knights, and others, for thoſe in the parts of Merſhland, betwixt the waters of Wellestreme, Wyſebeche, Welle, and Wygenhale. In 36 *E.* 3. to [n] *Rob. de Thorpe*, *Richard de Walkefare*, *Robert de Cauſton*, and others, for thoſe betwixt South Clenchwarton, neer Lenne, and Wigenhale. So likewiſe, in the ſame year, to [o] the ſaid *Rob. de Cauſton*, *Hugh Lovet*, *Gilbert Bernard*, and others, for thoſe betwixt Tyrington and West Walton.

h Pat. 26. E. 3. p. 3. m. 22. in dorſo.

i Pat. 27. E. 3. p. 1. m. 29. in dorſo.

k Pat. 28. E. 3. p. 1. m. 24. in dorſo.

l Pat. 30. E. 3. p. 1. m. 22. in dorſo.

m Pat. 32. E. 3. p. 1. m. 30. in dorſo.

n Pat. 36. E. 3. p. 1. m. 15. in dorſo.

o Ibid.

About this time did the Inhabitants of Wigenhale, Ilſyngtone, Tilney, Clenchwarton, Watlyngtone, Roungtone, Holme, Secchithe, and West Winche (all in this Province of Merſhland) exhibit a dolefull Petition [p] to the King; ſhewing, that whereas the ſaid Country of Merſhland had been much overflowed and ſurrounded by great and violent flouds of Salt water, to the extraordinary damage of the ſaid King and the whole Realm: and whereas the River (going to Lenne) had uſed to run betwixt certain banks, diſtant aſunder twelve Perches, at which time all people had ſufficient paſſage with their Boats to and fro, the freſh waters free courſe to the Sea; the Banks on one ſide of the

p Ex. rot. membr. in Armario Carſarum de Lenne in Com. Norff.

the ſaid River, were at that time ſo low by reaſon of the before-ſpecified flouds, that the ſaid River was then a full mile in bredth. And moreover, that ſome of the Inhabitants of **Lenne**, had promoted a Bill in the Parliament then ſitting; wherein it was alleged, that the courſe of the ſaid River ought not to be made narrower, under pretence that if it ſhould, not only the Port of the ſaid Town of **Lenne** would be deſtroyed, but the Counties of **Cambridge, Huntendon, Northampton, Bedford, Buckingham, Leyceſter, Warwick, Derby,** and **Suffolk**, would ſuſtain much damage thereby: and that the ſaid Bill was maliciouſly made, and without reaſon, as it might be juſtly proved, in caſe the ſaid King would condeſcend, that the Juſtices put in Authority for the preſervation of the ſaid Country, would do their duty therein, and proceed according to the Law and Cuſtome of the Country; conſidering the ſudden miſchief and deſtruction, which might happen by one hours neglect; the whole Country being in danger of irrecoverable drowning: deſiring that the ſaid Juſtices might not be ſuperſeded, but that they might proceed to reduce the ſame River into it's antient bounds, and in ſuch ſort as it was before the boyſterous flouds had carryed away the before-ſpecified Banks, and the Country ſo ſurrounded.

In 37 *E.* 3. Sir *Saier de Rocheford*, Sir *Robert de Cauſton*, Sir *Hugh Lovet*, and Sir *Raphe Rocheford* Knights, *Thomas atte Lathe*, and others, were appointed [q] to view and repair the Banks, Ditches, and Sewers, betwixt the Rivers of **Welleſtreme, Wyſebeche, Welle,** and **Wigenhale**, in this Province of **Nerthland**: with direction to proceed therein according to the Law and Cuſtome of this Realm. The like Commiſſion [r] had *Rob. de Ufford* Earl of **Suffolk**, *Robert de Thorpe*, and *John Kyvet*, for thoſe Banks *&c.* betwixt **Lenne** and **Wygenhale**. So alſo in 51 *E.* 3. had [ſ] *Robert Howard, John Colevile, Raphe de Rocheford*, and others, for all the Banks *&c.* throughout this whole Province.

And in [t] 1 *R.* 2. *Roger Scales, Robert Howard, John Colevill, Raphe de Rocheford, Reginald Hakebeche, William de Petworth* Clerk, *Hugh de Gandeby* Clerk, *John de Rocheſort, John Mareſchall, and William Newehous.*

q Pat. 37. E. 3. p. 1. m. 46. in dorſo.

r Ib. m. 26. in dorſo.

ſ Pat. 51. E. 3. p. 1. m. 41. in dorſo.

t Pat. 1. R. 2. p. 1. m. 25. in dorſo.

Marſhland.

It ſeems that there was nothing done upon that Petition exhibited to King *Edward* the third, by the Inhabitants of **Wygenhale**, and the other Towns therein mentioned, for reducing the River into its antient bounds: for I find, that in 2 *R.* 2. they preſented another [u] to the then King, importing the ſame in effect as the other did: adding, that the ſaid water, by reaſon of its extraordinary bredth, after the Banks on the one ſide thereof were worn away, had ſo great a power upon the Bank on the other ſide, that all the Towns in thoſe parts were frequently overflowed; and the chardge in maintaining of the ſaid Bank grown ſo great, that they were not able longer to ſupport it; ſo that their Country was in much danger to be totally deſtroyed, in caſe ſome fit remedie were not ſpeedily uſed. The ſaid King therefore by the advice and aſſent of his Prelates and Nobles, then aſſembled in Parliament, conſtituted [w] *William de Ufford* Earl of **Suffolk**, *Robert de Wilughby, William de Wychingham*, and *John de Hawe*, his Juſtices, to take view of thoſe Banks, and to enquire what remedy might be had therein, whether by reducing the ſaid ſtream into a narrower compaſſe, or otherwiſe; and if by making the courſe thereof narrower, then in what place to make new Banks for that purpoſe, and in what manner: and likewiſe to enquire through whoſe default thoſe loſſes had thus hapned; and who did hold any Lands, Tenements, Common of Paſture, or Fiſhing in thoſe parts, or that had ſafeguard and benefit, or loſſe, or might any ways have, either by the ſaid ſtream, aſwell thoſe that inhabited at a diſtance, as thoſe that lived neer unto it; and to diſtrain them for the repair thereof, according to the proportion of their Lands, to be new meaſured by Acres, if need were; or by Carucates, or quantity of Common of Paſture and Fiſhing.

u Pat. 2 R. 2. p. 2. m. 10. in dorſo.

w Ibid.

By virtue of which Commiſſion the Shireeve was required to impanell [x] a Jury to enquire *&c.* Which he did accordingly, and attended the ſaid Juſtices at **Wigenhale**, on *Saturday* next after the Feaſt of the Apoſtles *Peter* and *Paul*; where being ſworn, they preſented [y] as followeth; *viz.* that the Banks on each

x } Ex præf. cod. MS. penès *O. S. John* arm. f. 44. b.
y }

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side the before-specified River, running up from the main Sea into the Countrey, through the midst of the Towns of Clenchwarton, Tilney, Islington, Wigenhall, Watlington, and Rowngeton-holme, and farther, even to Pokediche, were, through the extraordinary raging of the Sea, so miserably broken and torn, that the greater part of the Lands and Tenements in South Lenne, Hardwick, Westwinche, Secchithe *magna*, and Secchithe *parva* was overflowed and destroyed: And that there was no other remedy for the safeguard of those Towns, and the parts adjacent, against the fore-mentioned dangers, but only the reducing of the said River within narrower bounds, and other means following.

And they said, that such a restraint thereof might well and conveniently be done for the safeguard before-mentioned, in a certain place, called Larkes hirne, in South Lynne, in this manner; *viz.* that whereas the same River did in that place then contain in it self *xl* perches in bredth (every perch being reckoned at *xvi* foot) it ought of necessity, to be restrained in that place, on both sides, for the safety of those Towns, *xxxiiij* perches, every perch being of the length aboveſaid; so that the bredth of the Chanel of the same River should be reduced to six perches. And thence, on the East side of the same River, that a new Bank should be made, directly, to a certain other River, called Secchithe, and so to the House of the Friers *Carmelites* of South Lenne: which River of Secchithe was then five perches wide (as they presented) but ought to be reduced to the bredth of one perch; accounting the said perch at *xvi* foot long, as aforesaid.

And they said, that if such restraint of that River before-mentioned, and a new Bank were not made, all the Banks on each side the said stream, betwixt the Town of Lynn and Pokediche, would be totally ruined; and consequently the said Country wholly destroyed: And that all such straightning of the said Rivers, ought to be made by the Land-holders in Clenchwarton, Tylney, Islington, and Wigenhale: and that for the same defence, to be performed in form aforesaid, they ought every one of them to give their assistance, according to what each man held: provided always that no Tenant or Commoner upon a certain place called Tylney Smethe, and on another place called Marshland fenne, should, by reason of any Commodity had, in either of those places, contribute any thing thereto.

Privilege to the Tenants of Tilney-Smethe, and Marshland fenn.

And they likewise said, that all the owners of land, from Larkyshyrne, to the common way, which leadeth from the Bridge at Wigenhale *S. Germans*, unto the Bridge at Secchithe *magna*; and from Hardwick house directly Southwards, to the said Bridge at Secchithe, in length; and from Greenediche, which joyneth upon Hardwick dam, Northwards, and Geryes dam Southwards; and from West Wynchegreene, which joyneth upon Geryes dam, Northwards, in a place where formerly had been a stone Bridge; and thence directly to the Mannour of Coldham; and from thence, and the Crofts of Secchithe *magna*, and beyond to Secchithe bridge; and thence Westwards; and in bredth to a certain way, which leadeth from Seth gate unto Jones dole fence; and thence to Lynne dyke, Northwards, unto the How dyke, and so directly to Larkyshirne aforesaid, in the said Town of South Lynne, Hardwick, Westwinche, and Secchithe *magna*, ought to contribute to the making of that defence, every man according to the proportion of his Land.

And they farther said, that all persons which had Lands and Tenements in a certain place called Clenchwarton-Marshland, within the Town of South Lynne aforesaid, and all the Land-holders in Secchithe *magna*, South Lynne, Secchithe *parva*, and Watlington, in divers places, from Secchithe gate, Southwards, to the Crofts of Secchithe *parva*, and from Secchithe maine, Westwards, to East woe dyke, at Watlingtone, and the Old Ee of Wigenhale; as also all the Land-holders in Watlingtone, in a certain place called the Cowfen, which extendeth it self from the Woedike, Westwards, to the River of Wigenhale, and from Poedyke, Southwards, to Geryes dam, and thence, Southwards, in the Newlande to Deylode Drove; and from Wigenhale-hedding, to the River of Wigenhale, West-

Weſtwards; and likewiſe all the Landholders in the Towns of **Roungeton holme**, in a certain place called **Holme Bight**, which reacheth from **Deyſlode Nove** to **Greene yates**, Southwards; ought to contribute to the ſtraightning of the ſaid Rivers and Banks, to be made in the before-ſpecified places, as aforeſaid; becauſe they lay within the defence and ſafeguard, and had or might have benefit or loſſe by the ſaid Rivers and Banks: And that all their Tenants likewiſe ought to make, repair, and maintain the ſaid new Banks, for the reſtraining of thoſe Rivers within the before-mentioned limits, when and as often as need ſhould require.

And they ſaid, that this reſtriction of the ſaid Rivers, by the making of thoſe new Banks in the places before-ſpecified, would be a ſecure, laſting and perpetual defence to all the Banks, and all the lands, lying within the Towns and places aforeſaid. It was therefore ordained by the ſaid Juſtices, that the ſaid work ſhould be done accordingly.

In 11 *R.* 2. Sir *Edmund de Thorpe*, and Sir *Philip de Tilney* Knights, together with *John Marſhall*, were appointed [z] to view and repair the Banks *&c.* betwixt **Cattelbak**, and the **Fen ende**, within the Town of **Tilney**. The like Commiſſion [a] in 7 *H.* 4. had Sir *Thomas de Skelton*, Sir *John de Rocheford*, Sir *Pain Tiptoft*, and Sir *Raphe de Shelton* Knights, *Richard Norton*, *Will. Ludington*, and *William Sneteſham*, for all thoſe Banks, Ditches, and Sewers, aſwell upon the Sea-coaſt as otherwiſe, belonging to the Towns of **Tirpngtone**, **Walpole**, **Walton**, **Walſokne**, **Enemethe**, **Welle**, **Wigenhale**, **Tylneye**, and **Clenchwarton**, antiently ordained for the ſafeguard of thoſe Towns: and to proceed therein according to the Law and Cuſtome of this Realm. So alſo in 10 *H.* 4. had [b] the ſame Sir *Thomas de Skelton*, with Sir *Edmund de Thorpe*, Sir *John Colvyle*, Sir *Raphe Shelton*, and Sir *John Rocheford* Knights, *Richard Norton*, *William Rees*, *William Ludyngton*; *Laurence Truſebut*, and *Richard Gegge*; for all thoſe Sea-banks lying within the Town of **Tyringtone**, for the ſafeguard thereof; and to proceed therein, as aboveſaid.

In the ſame year, the Abbot of **Ramſey** was impleaded [c] for damages, which were ſuſtained by his neglect in repairing his proportion of **Poketike**, for his lands in **Walſokne**. Marſhland.

And in 8 *H* 5. *John Cokain*, Sir *Thomas de Skelton*, Sir *John Colvill*, Sir *John de Rocheford*, and Sir *Henry de Rocheford* Knights, *Robert Tirwhit*, *Richard Norton*, *William Ludyngtone*, *John Benard*, *Thomas Derham*, *Nich. Morys*, *William Fulburne*, and *Robert Bird*, were aſſigned [d] to view the Banks, Ditches, and Sewers, in **Tyrington**, **Walpole**, **Walton**, **Walſokne**, **Enemethe**, **Welle**, **Wygenale**, **Tilneye**, and **Clenchwarton**, then broken and in decay; and to take order for their repair; with direction to do all things therein according to the Law and Cuſtome of this Realm.

What they did therein, I have not ſeen; but ſoon after, *viz.* in 1 *H.* 6. the King receiving information [e], that the Banks, Sewers *&c.* lying betwixt the waters of **Welle**, and the ſtream which runneth from thence to **Salters lode**; and **Wigenhale**, in this Province of **Marſhland**, were ſo torn and conſumed, partly with the violence of the tides, and partly by the great flouds of freſh waters paſſing that way, as that very much damage had hapned to the whole Country thereabouts; conſtituted [f] *Thomas* Duke of **Exeter**, Sir *Thomas Erpingham*, and Sir *Henry Rocheforth* Knights, *William Paſton*, *John Schuldham*, *Simeon Fyncham*, *John Mannyng*, and *Thomas Dereham*, Commiſſioners to view the ſame; and to make ſuch Aſſeſtments, both for raiſing of new Banks, where need ſhould be, and repairing the breaches and decays before-mentioned, in ſuch ſort as they ſhould deem moſt expedient for the ſafeguard and benefit of the Country. Which Commiſſion bears date at **Swyneſhed** the *xij* day of *April*, in the year aboveſaid.

By virtue whereof, the Shireeve of **Norfolke** had command to impanell Jurors, and to bring them to **Downham hithe**, upon *Thurſday* next before the Feaſt of *Pentecoſt*, then next enſuing: Who then and there attending the before-ſpecified Commiſſioners, upon their Oaths preſented; that the Bank called **Poke-ditche**, antiently made for ſafeguard of the Towns in this Province of **Marſhland**, and all the Lands and Tenements within the ſame, was then ſo broken and ruinous, that a great proportion of ground was thereby overflowed with the freſh

[z] Pat. 11 R. 2. p. 1. m. 33. in dorſo.

[a] Pat. 7. *H.* 4. p. 2. m. 25. in dorſo.

[b] Pat. 10. *H.* 4. p. 1. m. 13. in dorſo.

[c] Plac. coram Rege term. *Paſch.* 10 H. 4. Rot. 9 *Norff.* Et Rot. 62.

Pat. 8. H. 5. p. 1. m. 31. in dorſo.

[e] Ex cod. MS. penes Gul. Goddard, A. M.

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freſh waters, to the extraordinary damage of all ſuch perſons as were Land-holders, or that did enjoy Common of Paſture or Fiſhing there. And they ſaid, that the before-ſpecified Bank, could not be made firm and ſufficient by any repair thereof, the weakneſſe of the ground, whereon it ſtood, conſidered: and therefore they ordained and decreed; that for the better preſervation of all the Towns in **Marſhland** aforeſaid; and of all the Lands within the compaſſe thereof; that there ſhould be another Wall or Bank made new, on the North ſide of **Salterys lode** brink, by all the Land-holders throughout **Marſhland**; and all the Inhabitants and Reſidents within the Towns thereof, and of the Town of **Wigenhale.**

The making of the new Pour-dike.

And that the ſaid Bank ſo to be made new, ſhould be made and raiſed upon the North ſide of the great River, which paſſeth from **Welle** to **Salterys lode**, and **Wigenhale**; *viz.* from the ſhore of that River by the ſpace of *xxiiij* foot: as alſo to begin in that place called **Salterys lode**, and to extend it ſelf from thence, to the Priory of **Mullycourt**, Weſtwards; And that the height thereof from **Salterys lode** to **North delfe**, ſhall be five foot from the levell earth, and the thickneſſe at the bottom *xviij* foot; and from **Northdelf** to the ſaid Priory, ſix foot in height from the ground, with *xviij* foot in bredth at the bottom, and *xij* at the top, of good meaſure, ſo that it might ſufficiently keep out the water of the Fen. And that all the menure for the making of the ſaid Bank, ſhould be taken on the South ſide thereof neer the water, but not within the ſpace of *xij* foot of the skirt of the ſame Bank, excepting in time of neceſſity, when no earth might be had any where elſe, by reaſon of the inundation of the freſh waters: by which means, not only the River it ſelf might be inlarged in bredth twelve foot more, where need ſhould require, for the better carrying away of the freſh waters; but the Kidells being in the ſame ſtream might be ſufficiently widened.

And the ſaid Jurors did alſo decree and ordain, that it might be lawfull for every man, in making his proportion of the ſaid Bank, to dig earth on the North ſide of the ſame, in Winter time, when by reaſon of the flouds of freſh water coming down, it could not be taken on the South ſide; ſo that ſuch digging on the ſaid North ſide were *xl* foot diſtant from the ſame, upon penalty of being amerc'd.

And they likewiſe decreed; that every Land-holder having Lands within any of the ſaid Towns of **Marſhland**, and Town of **Wigenhale**; as alſo within the precinct aforeſaid, ſhould have his portion of the ſame Bank aſſigned to him, according to the quantity of his Land, according to a new Agiſtment to be thereof made. And that all the Land-holders in **Stow Bardolf**, betwixt the **Hord hedding** and **Tilney** Bank; and within the Bank of **Stow lode brinke**, and the **Ferry pit** of **Wigenhale**, ſhould be agiſted upon the ſaid Bank, each man according to what he held.

And they did moreover ordain; that all perſons, aſwell Horſemen as Foot-men, which ſhould happen to come to the repair and maintenance of the ſaid Bank, at any time of the year, upon neceſſity; ſhould have free and ſafe coming to and fro, with their Carts and other things, not only in order to the ſaid repair, but for the ſuperviſing thereof: and to ſtay there with their ſaid Horſes, and return the neereſt way for them, without the danger of any amerciament, diſtreſſe, or other puniſhment for ſo doing: ſaving alwayes to the Lords of the Fees, *waifs*, *Eſtreys*, and puniſhment for bloud-ſpilling, and amerciaments for *Hue* and *Crye* there levyed.

And they likewiſe ordained, that every perſon, having lands within the precinct of the ſaid Bank, ſo to be new made; and that might have ſafeguard and benefit by the making and repair thereof, or loſſe by its not making, ſhould be obliged to the making and repair of the ſame, according to his proportion, betwixt the ſaid Priory and **Salterys lode**, according to the Law and Cuſtome of the whole Country of **Marſhland**. And, that every of the ſaid Towns of **Marſhland**, and Town of **Wigenhale**, being within the before-ſpecified precincts, ſhould be obliged, according to his proportion, to the making and repair of the ſaid Bank, upon penalty of *xx* l. to be paid to the King, as often as any defect could be found in his not performance thereof.

And

And they alſo ordained, that every Guardian of the ſame Bank, ſhould have power by the ſaid Law, to take diſtreſſes, for the performance of the premiſſes, when need might require, without the contradiction of any man whatſoever. And, that every ſuch Guardian, doing his Office, in reſpect of his tenure, within the precinct aforeſaid; or that ought to do it; ſhould perform it duly and diligently, for the better making of the ſaid Bank, ſo that no defect might be found therein, under the ſame penalty, as was antiently eſtabliſhed by the Law and Cuſtome of **Marſhland**, for the making and repair of the before-ſpecified old Bank, called the **Poke diche**. And, that if any perſon agiſted for the making and repair thereof, according to the proportion of his tenure, ſhould be found refractory, and diſobedient to the ſaid Guardian, for the time being; in what he ſhould direct; that then he to be diſtrained, puniſhed, and compelled by the ſaid Guardians, for the well and ſufficient performance of the ſame, according to the Law and Cuſtome of **Marſhland**.

And they moreover ordained; that neither the Lord, nor any Commoner ſhould depaſture his Cattel upon the ſaid Bank, ſo to be new made, excepting ſheep: nor that they ſhould drive any Cattel upon the ſame, for the future avoiding of thoſe ineſtimable loſſes which had hapned in times paſt, by ſo doing; upon forfeiture of a peny for every beaſt ſo driven, or there depaſturing, by the appointment, knowledge, or neglect of thoſe that ought to look to them; to be paid to the Guardian of the ſaid Bank, as often as any ſuch delinquency ſhould happen. And that the Cattel found depaſturing, or driven, aforeſaid, upon the ſaid Bank (ſheep as aforeſaid excepted) to be taken and impounded, and in the pound detained, untill the owner of them ſhould pay the before-ſpecified penalty: which forfeiture to be imployed for the repair of that part thereof, as ſhould be ſo hurt by ſuch Cattel.

Alſo they did ordain, that *John Bekeſwell*, and his heirs and aſſignes, Tenants of the meſſuage of **Noyth delfe**, ſhould ſufficiently repair and maintain that Bank oppoſite to his meſſuage on the South part, both in thickneſſe and height, as often as need ſhould require, for ever, at his and their own proper coſts and chardges, ſo that through default thereof; no damage might come to any one within the precinct of the ſame, under the penalty antiently eſtabliſhed for reparation of the Banks, Gutters, and Sewers in theſe parts of **Marſhland**, according to the Laws and Cuſtomes thereof. Marſh-land.

And that the Prior of **Mullycourt** and his ſucceſſors, under the ſame penalty, ſhould make new, as alſo repair and maintain well and ſufficiently, aſwell in thickneſſe as height, one Bank throughout his Priory, oppoſite thereto, upon the South ſide.

And they likewiſe then ordained, that the Inhabitants of the whole Town of **Outwell**, their heirs and aſſigns, ſhould new make, repair and maintain one Bank well and ſufficiently for ever, both in thickneſſe and height, towards the before-ſpecified great River, and on the North ſide thereof, from the ſaid Priory of **Mullicourt**, throughout all the Town of **Outwell** aforeſaid, unto the Manſion houſe of *Thomas Beaupre*, where need ſhould require, upon the penalty abovementioned. And that the ſaid Inhabitants of **Outwell**, their heirs and aſſigns, ſhould, in default of ſuch new making or repair of the ſame, forfeit *C*ˢ. to be paid to the King, as often as there ſhould be cauſe by that their neglect.

And they ſaid moreover; that there was a certain field, called **Plawfielde**, lying in the Town of **Upwell**; and certain other fields, called **Kyrkfield** and **Budbeche**, in the Town of **Upwell** and **Outwell**; as alſo another field, called **Sandyfield**, in the Town of **Outwell** aforeſaid, which were every year overflowed by the freſh waters, to the great damage and impoveriſhing of all perſons having lands in the ſame, as of all other, having lands within the ſaid Bank, called **Pokediche**, then to be new made: and therefore they did ordain, aſwell for the better ſafeguard of all the lands, lying within thoſe fields, as of all others lying within the Precinct of the ſaid Bank, called **Pokediche**, to be then newly made; that there ſhould be made one new Pipe, under the Bank, called **Kirkfield diche**; and under the great River there, and the ſaid new Bank, on the VVeſt ſide of the ſaid Priory of **Mullycourt**.

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And likewise one new Sewer, from the said new Pipe, through **Mullycourt** mowe to **Rightforth lode**; thence into **North hooke**, and thence into the great River, which runneth from **Salterys lode** to **Bishop's Lynne**: And that all persons, having Lands and Tenements in the said fields, called **Plawfield** and **Kirkefield**, should always repair, clense, and scour the said Pipe and Sewer, so to be new made, unto **Rightforth lode**, at their own proper costs and charges, when and as often as need should require. And that all persons and their heirs having lands in the said fields, called **Budbeche** and **Sandy field**, should have one Sewer there, for avoiding the fresh waters thence, into **Blewe diche**; and from **Blewe diche** unto **Rightforth lode**. And that the same persons, so having lands in those fields, called **Budbeche** and **Sandyfield**, should repair and clense the said Sewer unto **Blewediche**, for the future, at their own costs and chardges, whensoever need should require.

And that the same persons, their heirs and assigns, having lands in the said fields called **Budbeche** and **Sandy field**; as also all the said Inhabitants of those Towns of **Upwell** and **Outwell**, having common of Pasture within the precinct of the same Bank, called **Pokediche**, to be so new made, as aforesaid; should repair and maintain the said Sewer from **Blewe diche** to **Rightforth lode**, for the future, at their own proper costs and charges, as often as need should require. And that all persons having Lands in the said fields, called **Plawfield**, **Kirkfield**, **Budbeche**, and **Sandyfield**; as also all the Inhabitants of **Upwell** and **Outwell**, having Common of Pasture and Fishing within the Precinct of the said Bank called **Pokediche**, so to be new made, as aforesaid, should repair the said Sewer, called **Rightforth lode**, unto **North hooke**, at their own proper costs and chardges, for the time to come, whensoever need should require.

And they likewise ordained, that the Abbot of **West Dereham**, and his successors, should new make, repair, and maintain, well & sufficiently, for the time to come, one Causey of six foot in bredth, Eastwards, throughout all that part of his land, lying betwixt the old **Pokediche** on the North part; and a certain piece of land belonging to the Abbot of **Ramsey**, and another pertaining to *Thomas* Duke of **Exeter**, on the South part; and abutting on the before-specified great River towards the East. And that the said Abbot and his successors should be justified and ordered, for the not making and repair of the same Causey, according to the Law and Custome antiently used in the Town of **Wigenhale**. And that the said Abbot of **Ramsey**, and his successors, should also new make, repair and maintain one other Causey, of six foot likewise in bredth, through another piece of his land, lying on the East part, towards the said great River.

And they farther ordained, that every person, having lands, Common of Pasture or Fishing, within the land of the said Abbot and **Common lode**, should likewise new make, repair, and maintain one Causey, well and sufficiently, *viz.* each man against his own land, towards the said great River: And for the performance thereof, that they should be compelled by the Steward of *Thomas* Duke of **Exeter**, for his Mannour of **Stow Bardolf**, his heirs and assigns, in the Court of **Stow-Bardolf**. And that all the Tenants and Inhabitants in the Towns of **Downham hithe**, **Wimbotesham**, and **Stow Bardolf**, should new make, as also repair and maintain, well and sufficiently, for the time to come, a certain Causey, beginning in a place called **Common lode**, and extending it self from thence to **Salterys lode**.

All which Ordinances and Agistments, so made in form aforesaid, the Towns in **Marshland** before-mentioned; as also **Welle**, **Wigenhale**, **Dounham hithe**, **Winbotesham**, and **Stow Bardolf**, did for the time to come, agree for themselves, their heirs and assigns, to observe and hold firmly. It was therefore decreed by the before-specified Justices, that the Inhabitants of the said Towns, which had Lands, Common of Pasture, or Fishing, within those fields, and safeguard of the said Bank called **Pokediche**, to be new made in such sort as aforesaid; should, for the future, be obliged to repair and maintain the same, according to the form and effect of the Inquisition, Ordinances and Agistments before declared; and to be distrained for the time to come, for the performance there-

thereof, as often and when need ſhould require.

In witneſſe whereof, the ſaid *Henry Rocheforth* and *Thomas Dereham* did affix their Seals thereunto.

VVhich Inquiſition and Ordinances were exemplified by the ſaid King *Henry* the ſixth, under his great Seal, upon the *xij*th day of *May*, in the third year of his reign.

And, in reſpect that the ground, from **Salterys lode** to **North delfe** before-ſpecified, whereon the ſaid Bank was to be raiſed, was then the proper ſoyl of the ſaid *Thomas* Duke of **Exeter**, as part of his Mannour of **Stow Bardolf**, the ſaid Duke, in confirmation thereof, did, by his Deed * (wherein he likewiſe ſtiled himſelf *Comes* Dorceſtriæ *&* Harcuriæ, *&* *Admirallus* Angliæ) bearing date the *Monday* next after the Feaſt of *S. Peter ad vincula*, in the ſaid firſt year of the reign of the ſame King *King Henry* the ſixth, grant and confirm, for himſelf and his heirs, to *John* Biſhop of **Ely**, Sir *John Colvile*, and Sir *Henry Rocheford* Knights, *Richard Peverell*, *Thomas Karvile*, *Thomas Dru*, *Robert Karvile*, and *Edmund Maſſingham* Eſquires, and all the Inhabitants of **Wigenhale**, **Tylney**, **Iſlington**, **Clenchwardon**, **Terington**, **Walton**, **Enmethe**, **Walpole**, and **Walſoken**, in the parts of **Merſhland**, their heirs and aſſigns, the ſaid Bank called **Pokediche**, ſo to be new made and raiſed for ſafeguard againſt the ſaid freſh waters, on the North part of the River, which runneth from **Welle** to **Salterys lode** and **Wigenhale**; beginning at **Salterys lode** aforeſaid, within his the ſaid Duke's Lordſhip, which extendeth it ſelf in length from thence unto **Northdelfe** before-mentioned; *viz.* ground containing *xxiiij* foot on the South ſide of the ſame Bank, for the making, repairing, and maintaining thereof: as alſo ſufficient ground on the North ſide thereof, *xl* foot diſtant from the ſame, for the repair likewiſe and maintenance thereof: provided that they ſhould not dig any earth on the ſaid North ſide thereof, for the purpoſes aboveſaid, as long as the ſaid Bank could be fitly repaired with the earth on the South ſide.

And he did moreover grant and confirm to the ſaid *John* Biſhop of **Ely**, and the reſt of the perſons above-ſpecified, their heirs and aſſigns, that they nor any of them ſhould be moleſted in their paſſage to and fro, in the making and repair of the ſaid Bank, whereſoever there might be cauſe for the ſame: Saving nevertheleſſe to him the ſaid Duke and his heirs, *Wayfe*, *Stray*, and other amerciaments for *Hue* and *Cry*, as alſo for blood ſhed, within his ſaid Lordſhip, at all times of the year. **Marſh-land.**

After this; *viz.* in the ſame third year of the ſaid King *Henry* the ſixth, *William Babyngton*, Sir *John Colvyll*, and Sir *Henry Rocheforth* Knights, *Will. Paſton*, *Tho. Derham* and *John Mannyng*, were[g] conſtituted Commiſſioners to view the Banks, Sewers, Ditches, Bridges, and Cauſeys, betwixt **Walpole** and **Tilney**; and to determine all things therein, according to the Law and Cuſtome of this Realm: as alſo to take ſo many Diggers and Labourers, upon competent wages, as they ſhould think neceſſary for that ſervice; in regard of the great expedition, which through the decay of thoſe works, was then required.

[g] Pat. 3. *H. 6.* p. 1. m. 16. in dorſo.

Several other Commiſſions were afterwards iſſued out, in this Kings reign, to the like purpoſe; *ſcil.* in 8 *H. 6.* to [h] Sir *Henry Rochefort*, and Sir *Robert Clyf-tone* Knights, *William Paſtone*, *William Goodrede*, *Thomas Derham*, *Simon Fyncham* and *Thomas Shuldham*; for all thoſe Banks, Sewers *&c.* in the Towns of **Uppewelle**, **Outwelle** and **Enemethe**, betwixt the River, which goth from **Wellynhee**, to the Priory of **Mullycourt**: and the River which paſſeth from **Enemethe** unto the ſaid Priory; and to proceed therein as aboveſaid.

[h] Par. 8. *H. 6.* p. 2. m. 20. in dorſo.

In 22 *H. 6.* to [i] Sir *Thomas Scales* Kt. *William Yelverton*, *Hugh* Prior of **Wirmegay**, *Thomas Truſbut*, *John Fyncham*, *Thomas Salesbury*, *William Willy* and *Raphe Geytone*, for thoſe throughout the whole Province of **Marſhland**, and the parts adjacent, from **Marham** to **Wigenhale**: and to do all things therein according to the Laws and Cuſtomes of **Romeney** Marſh. The like Commiſſion [k] had the ſaid Sir *Thomas Scales*, *William Yelvertone*, *Thomas Truſbut*, *William Eweyn* and *Thomas Salisbury* in 30 *H. 6.*

[i] Par. 22. *H. 6.* p. 1. m. 17. in dorſo.

[k] Par. 30. *H. 6.* p. 1. m. 22. in dorſo.

So alſo had [l] *John* Earl of **Orford**, *John* Viſcount *Beaumont*, *John Heydone*, *John Fyncham* and *John Bekyſwell*, for all thoſe betwixt the waters of **Wille**, and the

[l] Ibid. m. 14. in dorſo.

* Ex præf. cod. MS. per ès G. Goddard Arm.